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THE

EXECUTIVE DOCUMENTS

PRINTED BY ORDER OF

THE SENATE OF THE UNITED STATES

FOR THE

SECOND SESSION OF THE FORTY-THIRD CONGRESS,

1874-'75,

AND THE

SPECIAL SESSION OF THE SENATE IN MARCH, 1875.

IN ONE VOLUME.

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1875.

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TO

THE EXECUTIVE DOCUMENTS

OF THE

SENATE OF THE UNITED STATES

FOR THE

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LETTER

FROM THE

SECRETARY OF THE INTERIOR,

ACCOMPANYING

A list of property under his control.

DECEMBER 8, 1874.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 1, 1874.

SIR: In accordance with the requirements of the act of Congress entitled "An act to provide for inventories and accounts of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia," approved July 15, 1870, I have the honor to transmit herewith "a full and complete inventory of all property belonging to the United States in the buildings, rooms, offices, and grounds" occupied by this Department and under its charge. The inventory consists of, A, a table showing the number of the various articles of property in each of the Bureaus of this Department, and the same aggregated; B, a list of the articles of property purchased for the use of the Department during the year ending the 30th ultimo; and, C, a list of such property as has been sold by the Department during the same period.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. HENRY WILSON,
Vice-President of the United States and President of the Senate.

A.—*Inventory of property belonging to the United States in the buildings, rooms, offices, and grounds occupied by the Department of the Interior, taken on the 1st day of December, A. D.* 1874, *in accordance with the act of Congress approved July* 15, 1870.

Articles of property.	Offices.						Total.
	Secretary's.	Patent.	Pension.	Land.	Indian.	Education.	
Awnings	13	78	59	50	12	18	230
Book-cases	14	22	12	15	7	3	73
Book-racks	10	10	15	15	6	3	59
Book-rests	6	50	24	13	15	1	109
Carpets	13	66	72	40	12	7	210
Carriages	2	1	1	1	1	.....	6
Coal-hods	10	21	47	30	8	4	120
Cooler-stands	2	52	9	4	.....	2	69
Curtains	4	59	5	32	14	.....	114
Chairs	102	458	380	278	73	47	1,338
Clocks	10	44	14	4	2	1	75
Desks	32	277	230	222	56	15	836

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A.—*Inventory of property belonging to the United States, &c.*—Continued.

Articles of property.	Offices.						Total.
	Secretary's.	Patent.	Pension.	Land.	Indian.	Education.	
Desk covers	7	45	8	20	2	2	84
Desk trays	8	10	24	26	7	1	76
Drop-lights	8	22	7	6	4	1	48
Engravings	2	1	4	4	3	2	16
File-cases	22	74	209	245	14	7	577
Fire-screens	4	20	21	16	4	2	67
Foot-rests	3	80	120	86	5	.....	294
Hat-racks	1	36	20	19	.....	4	80
Harness, (sets)	2	1	1	1	1	.....	6
Hand-stamps	3	6	14	8	2	.....	33
Horses	1	1	1	1	.....	.....	4
Iron safes	2	2	1	2	1	.....	8
Letter-presses	5	24	6	9	1	1	46
Letter-baskets	12	120	54	43	7	2	238
Lounges	.....	3	2	3	.....	1	9
Map-racks	3	.....	.....	2	1	2	9
Mail-bags	1	1	5	1	1	1	10
Mats	10	98	6	1	6	6	127
Mirrors	13	63	51	29	7	3	166
Paintings	2	2	1	.....	8	.....	13
Paper-racks	8	2	2	2	.....	.....	14
Pigeon-hole cases	11	44	91	27	30	1	204
Photographs	16	20	12	3	2	7	60
Printing-presses	.....	2	1	.....	1	.....	4
Rugs	9	4	1	13	2	6	35
Sealing-presses	1	1	.....	1	.....	.....	3
Sofas	4	2	3	5	3	1	18
Soap-dishes	12	55	30	28	9	6	140
Scales, (pairs)	10	10	9	26	1	1	57
Shades	12	50	89	58	.....	8	217
Shovels and tongs	14	9	18	26	.....	.....	73
Spittoons	50	487	182	131	35	4	889
Step-ladders	5	12	19	22	5	.....	64
Stoves	.....	13	45	1	.....	.....	59
Stools	.....	508	6	5	3	1	523
Tables	14	143	112	43	5	7	324
Towel-racks	7	68	15	1	13	6	110
Tumblers	30	250	36	36	25	10	387
Thermometers	8	16	15	11	.....	2	52
Umbrella-stands	8	37	6	16	3	1	71
Ventilators	6	16	95	2	5	.....	124
Wash-stands	1	16	17	25	.....	1	60
Wash-basins	1	16	5	20	.....	.....	42
Wash-pitchers	1	16	12	15	.....	.....	44
Water-coolers	2	64	17	8	2	2	95
Water-buckets	10	86	50	20	2	4	172
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Wardrobes	6	2	2	4	1	1	16

B.—*List of property purchased for the use of the Department of the Interior during the year ending November* 30, 1874.

28 awnings.
293 brushes.
6 book-cases.
5 book-racks.
2 book-rests.
252 brooms.
5 clocks.
32 carpets.
124 chairs.
4 cooler-stands.
4 curtains.
32 coal-hods.
53 desks.
6 desk-covers.
6 desk-trays.
8 dust-pans.
7 drop-lights.
5 engravings.
28 file-cases.
11 fire-screens.
188 feather-dusters.
5 foot-rests.
1 hand-stamp.
7 hat-racks.
3 letter-presses.
105 letter-baskets.
18 mirrors.
2 map-racks.
55 mats.
8 pigeon-hole cases.
10 photographs.
1 printing-press.
43 soap-dishes.
72 shades.
3 shovels and tongs.
4 slop-basins.
91 spittoons.
9 step-ladders.
15 stoves.
28 tables.
258 tumblers.
32 towel-racks.
9 thermometers.
2 umbrella-stands.
44 ventilators.
8 wash-stands.
11 wash-basins.
8 wash-pitchers.
1 wardrobe.
152 waste-baskets.
152 wisps.
2 whips.

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C.—*List of property sold by the Department of the Interior during the year ending November 30, 1874.*

1 carriage.	1 lot gas-pipe.	12 pigeon-hole sets.
16 carpets.	2 horses.	34 tables.
3 cases.	1 lot lumber.	3 venetian blinds.
1 lot chairs.	10 lots matting.	17,506 pounds waste-paper.

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LETTER

FROM

THE SECRETARY OF THE INTERIOR,

ACCOMPANYING

Three reports of the surveyor-general of New Mexico, relative to certain private land-claims in that Territory.

DECEMBER 8, 1874.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 7, 1874.

SIR: Pursuant to the eighth section of the act of July 22, 1854, (10 Stat., 308,) I have the honor to transmit herewith, for the consideration of Congress, three reports of the surveyor-general of New Mexico; the first concerning land granted to Ignacio de Roival and Jacinto Pelaez, being private land-claim reported as No. 92, in Santa Fé County; the second, concerning land granted "for the Cañon del Rio Colorado tract," being private land-claim reported as No. 93—"land-grant to Antonio Elias Armenta *et al.*" in Taos County; and the third, concerning land granted to Salvador Vernal and Tomas Lopez, being private land-claim reported as No. 94, in Colfax County, all in said Territory.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. HENRY WILSON,
Vice-President, and President of the Senate.

Transcript.—Private land-claim reported as No. 92, in the name of Ignacio de Roival and Jacinto Pelaez, for the town of Jacona tract, in Santa Fé County, New Mexico. Date of grant October 2, 1702. Reported by the United States surveyor-general June 10, 1874.

PETITION OF PRESENT CLAIMANTS.

To the Hon. JAMES K. PROUDFIT,
United States Surveyor-General for New Mexico:

Your petitioners, the present claimants of a certain tract of land known as the Jacona grant, situated in the county of Sante Fé, in the Territory of New Mexico, respectfully represent:

That in or about the year A. D. 1702 one Ignacio de Roival petitioned the governor and captain-general of New Mexico, a province then belonging to the Crown of Spain, for the said tract of land, describing the same by boundaries; and that on the 2d day of October, 1702, the governor and captain-general made unto the said petitioner unconditionally a full, perfect, and complete grant for the land, with the boundaries described and asked for by him, saving and excepting, however, the quantity of two

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fanegas of planting-land within said boundaries, which excepted quantity was in said grant recognized as belonging and declared to belong to the one certain heir of one Jacinto Pelaez, him then surviving, which quantity of land so saved and excepted, but the title to which was recognized as above set forth, and of which quantity your petitioners are the present owners, your petitioners ask to be considered as a part and portion of said grant of October 2, 1702, to the end that the title thereto may be adjudicated and confirmed in conjunction with the title of the said Ignacio de Roival.

Your petitioners herewith file the original petition and grant for said tract of land, together with a translation of the same, and also a map showing the boundaries of the said tract with as much accuracy as is practicable without a survey of the same, which has never been made.

Your petitioners do not file in the case the act of possession, which is presumed to have been executed to said grantee, Roival, by the chief alcalde, Roque Madrid, as the same, if ever executed, is not now in the possession of your petitioners, and as they do not deem the same to be essential to the validity and sufficiency of their claim, which they hold under a grant absolute and unconditional.

Your petitioners further represent that the said tract of land of Jacona has been to this time continuously and without interruption occupied and cultivated by said original grantees, Roival and Pelaez, and those holding under them, for more than one hundred and seventy years, and that there is now a large population of citizens residing upon and in the possession and enjoyment of said land; all of which your petitioners are ready to prove by many witnesses.

Your petitioners ask that their claim to the whole of said tract of land be investigated and passed upon by your honor at your earliest convenience, and that the title to the same be confirmed to the said Ygnacio de Roival and Jacinto Pelaez, and their heirs and legal representatives.

SAMUEL ELLISON,
Attorney for Claimants.

SKETCH-MAP.

Grant of Jacona, situated in Santa Fé County, Territory of New Mexico, extending in a northerly and southerly direction about seven and one-half miles, extending in an easterly and westerly direction about two miles, containing about 9,600 acres.

[For sketch, see original.]

MUNIMENT OF TITLE.

Sor. gobernador y Cappan. Genl.:

El Alferez Ygnacio de Roival, vecino de este reyno, en la mejor via y forma, que haya en derecho ante V. Sa. paresco, y digo, que soy casado en el, con Da. Francisca Gomez, en quien tengo hijos; y para poder alimentar mi familia, necesito de un rancho para ganados mayores, menoras, caballarda y tierras de labor; y por haber hecho V. Sa. merced de dos fanegas de sembradura de mais, al cappan. Jacinto Pelaes, en el pueblo de Jacona, y estar lo de mas sin pedir, á V. Sa. pido y suplico se sirva de adjudicarme lo restante de dicho rancho de Jacona, por hallarme con principios, bastantes para poder tenerlos en dicho rancho y para poder sembrarlo necesario para alimentar mi familia; y linda dicho rancho por el oriente con tierras de Juan de Mestas y con tierras de Oyu, que eran de Francisco de Anaya Almanzan, y por el norte con un camino q. viene de la villa nueva á Jacona y unos peñascos que estan arriba de dicho camino, y por el poniente con una cañada que boja junto á una casa que hizo Mathias Madrid y unos barrancos colorados que estan junto á la mesilla de San Yldefonso, y por el sur con el monte que va de esta villa á Jacona; y dicho rancho pido y suplico á V. Sa. se sirva de adjudicarmelo como llevo pedido en nombre de su Mgd. sin perjuicio de mi menor, que de ello recibiré merced de la poderosa mano de V. Sa. y juro en debida forma este mi pedimto. no es de malicia &a.

YGNACIO DE ROIBAL.

Presna.

En la villa de Santa Fé, en dos dias del mes de Octubre de mil setecientos y dos años, ante el señor castellano goberor. y cappan. gral. Dn. Pedro Rodriguez Cubero, de este reyno de la Nueva Mexico, por su magd., se presento esta peticion por parte de el Alferez Ygnacio de Royval, contenido por sé y en nombre de su muger é hijos, y por su señoria vista.

Auto y merd. del rancho y tierras.

Dijo que en nombre de su magd. (que Dios gude.) le hacia é hizo merced del rancho y tierras, nombrado Jacona para el susodicho y Doña Francisca Gomez, su muger, y todos sus hijos, con todos los linderos, pastos y abrevaderos que espresa y para los efectos, que refiere inclusive en dicho rancho las dos fanegas de sembradura que en el tenia Dn. Jacinto Pelaes, difunto. y son pertenecientos dichos dos fanegas á su hijo menor, y toda la dicha merced del dicho rancho con todo lo que le pertenece se le concede y dá como

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dicho es y sin perjuicio de otra persona que á ello tengo mejor derecho, sirbiendole al dicho Ygnacio de Roival este auto y decreto de título, y merced en forma, del cual rancho y tierras á el pertinecientes, le dará posesion de todo el alcalde mayor Roque Madrid, en la forma acostumbrada y ninguna persona le perjudi que en nada de la merced que consta en este auto, que así lo probei y firme.

PEDRO RODRIGUEZ CUBERO.

Ante mi:

PEDRO DE MORALES,
Sr. de Gobnr. y Guea.

En 7 de Septiembre de 1713 años, se asento esta merced en el libro de cabildo y lo rabrique.

[Rubrica.]

[Translation.]

His Excellency the Governor and Captain-General:

I, Ensign Ygnacio de Roival, citizen of this kingdom, in due form of law appear before your excellency and state that I am therein married to Francisca Gomez, by whom I have children; and to enable me to support my family, I need a rancho for cattle, sheep, goats, and horses, and planting-land; and your excellency having made a grant to Captain Jacinto Pelaez of two fanegas of corn-growing land at the pueblo of Jacona, and the remainder thereof being unapplied for, I ask and request your excellency to be pleased to grant me the balance of said rancho of Jacona, as I have sufficient animals to stock said rancho and to plant sufficient to support my family. Said rancho is bounded on the east by lands of Juan de Mestas and lands of Oyn, formerly of Francisco de Anaya Almanzan; on the nortb by a road that leads fromthe new village to Jacona, and some bluffs above said road; on the west by a cañada, which comes down by a house built by Matias Madrid, and some red bluffs near the little mesa of San Yldefonso; and on the south by the forest between this village and Jacona; and I ask and request your excellency to be pleased to grant to me said rancho, as I have requested, in the name of His Majesty without prejudice to my minor, whereby I will receive favor from the strong hand of your excellency. And I declare in due form that this my petition is not in dissimulation, &c.

YGNACIO DE ROIBAL.

PRESENTATION.

At the village of Santa Fé, on the second day of the month of October, year one thousand seven hundred and two, before me, Castellan Pedro Rodreguez Cubero, governor and captain-general of this kingdom of New Mexico for His Majesty, this petition was presented by Ensign Ygnacio de Roival for himself and in the name of his wife and children.

GRANTING DECREE FOR RANCHO AND LANDS.

And the same being considered by his excellency, he declared that in the name of His Majesty (God preserve him) that he would make, and he did make, a grant for the rancho and land called Jacona to the above-named applicant, and Francisca Gomez, his wife, and all their children, with all the boundaries, pastures, and watering-places he sets forth and for the purposes he states; the said rancho embracing the two fanegas of planting-ground which Jacinto Pelaez, deceased, had therein, and which said two fanegas of planting-ground belongs to his minor son, and there is conceded and given unto him the said grant in full for the said rancho, with all its appurtenances, as aforesaid, and without prejudice to any other person having a better right thereto, this decree serving the said Ygnacio de Roival as title and grant in form, and of all which rancho and lands thereunto pertaining; possession will be given to him by chief alcalde, Roque Madrid, in the customary form, and no person shall disturb him in anywise in the concession made in this decree, for thus I provided and signed.

PEDRO RODREGUEZ CUBERO.

Before me,

PEDRO DE MORALES,
Secretary of State and War.

On the 7th of September, year 1713, this grant was entered in the corporation-book, and I rubricked the same.

[Rubric.]

The foregoing, to the best of my knowledge and belief, is a correct translation of the original petition of Ygnacio de Roival, and of the original grant to him in the Spanish language.

SAMUEL ELLISON.

Subscribed and sworn to before me this June 5, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

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SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, June 5, 1874.

The foregoing translation of the original document in Spanish, having been by me compared with said original and found correct, is hereby adopted and made the official translation.

DAV. J. MILLER,
Translator.

TESTIMONY OF WITNESSES.

IGNACIO DE ROIVAL AND JACINTO PELAEZ

JACONA TRACT.

JESUS MARIA ORTIZ, being duly sworn to declare in this private land-claim, on his oath declares:

Question by Mr. Ellison, as attorney for the present claimants. What is your name, age, occupation, and residence?

Answer. My name is Jesus Maria Ortiz y Bacca; my age is fifty-nine years; my occupation is farmer; and my residence is at Cuyammigue, in the county of Santa Fé, in this Territory.

Q. Are you acquainted with the tract of land in this county known as the Jacona grant? If so, please state what you know concerning the tract, and the claim of the inhabitants therefor.

A. I know the Jacona tract of land and nearly all the inhabitants residing thereon. It is about five leagues north of the city of Santa Fé, in the county of Santa Fé, and on north and south sides of the Nambe (called also Pajoaque) River. There is upon the tract a town called the town of Jacona, and called also Los Roibales, situated upon the south bank of said river, and containing more than fifty heads of families. The place has always been occupied, since I have known it, by the people now there residing and their ancestors. My own residence is within about one league of the said Jacona tract. I have always lived where I now reside, having been born upon the spot. I have never known or heard of any claim adverse to that of the inhabitants of the tract for the land they claim under the Jacona grant, which they hold under, and they have always been among the surrounding settlers and settlements recognized as the proprietors of said land of the Jacona. I have never heard of and do not know of any mines or minerals upon the said Jacona tract. The said town of Jacona, or Roibales, was in existence, as before and afterwards, when the United States troops took possession of New Mexico in the year 1846. I have no interest whatever in said Jacona tract.

JESUS MA. ORTIZ Y BACA.

Sworn to and subscribed before me this June 5, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

JESUS MARIA LUJAN, being in like manner sworn, on his oath declares:

Question by Mr. Ellison. What is your name, your age, your occupation, and your residence?

Answer. My name is Jesus Maria Lujan; my age is fifty-four years; my occupation is farmer; and my residence is at Santa Cruz de la Cañada, in Rio Ariba County.

Q. Do you own the tract of land known as the Jacona grant? If so, please state what you know concerning it.

A. I know the tract of land mentioned. It is situated upon the Nambe River, in the county of Santa Fé, in this Territory. Upon the south bank of the river stands the town of Jacona, containing somewhat more than twenty-five heads of families, but immediately adjoining the town, up and down the river, there are numerous other settlers, making the town and its suburbs contain at least fifty heads of families. The town is called also Los Roibales, though it is more generally called Jacona. I have been at the place Jacona very often, and am acquainted personally with nearly every resident of the place and vicinity. My residence at Santa Cruz is distant thence about two leagues. I was born and have always lived at said Santa Cruz. The said place Jacona was in existence as a town when the United States Government took possession of New Mexico in 1846, and during the whole time I have known it, it has been such town. I have never known or heard of any claim for the Jacona tract adverse to that

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of the present occupants of the land, and it has, so far as I know, always been reputed to belong to them. The land is situated about five leagues north of the city of Santa Fé. I do not know of any mines or minerals upon said Jacona tract of land. I have no interest whatever in this claim therefor.

JESUS MARIA LUJAN.

Subscribed and sworn to before me this June 5, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S DECISION.

Opinion.

This claim for a grant of lands comes before me under the eighth article of the treaty of Guadalupe Hidalgo, and the eighth section of the act of Congress of July 22, 1854, establishing this office.

The original papers, which are no doubt genuine, show that, on the second day of October, 1702, Don Pedro Rodreguez Cubero, governor and captain-general of New Mexico, at that time a province of Spain, granted the lands claimed to one Ygnacio de Roival, in fee, and it appears that it has been occupied by him and his successors ever since.

I recommend that the grant be confirmed to the legal representatives of said Roival by Congress, according to the boundaries set forth in the petition of said Roival to Governor Cubero, and as granted by said governor.

I transmit copies of the record complete in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General for New Mexico.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, June 10, 1874.

AUTHENTICATION OF TRANSCRIPT.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, June 13, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 92, in the names of Ignacio de Roival and Jacinto Pelaez for the tract of land known as the town of Jacona tract.

JAMES K. PROUDFIT,
Surveyor-General.

Transcript.—Land-grant to Antonio Elias Armenta et al., being private land-claim reported as No. 93, for the Cañon del Rio Colorado tract, in Taos County, New Mexico. Date of grant June 23, 1836. Reported by the United States surveyor-general June 30, 1874.

CLAIMANT'S PETITION.

ANTONIO ELIAS ARMENTA ET AL.

His Honor P. RUSH SPENCER,
United States Surveyor-General, New Mexico:

The undersigned, your petitioner, would respectfully represent to your honor, that he is the present holder of a certain tract of land, situate in the county of Taos, in the Territory of New Mexico, which land was originally granted to Antonio Elias Armenta, José Victor Sanches, and José Manuel Sanches, by the ayuntamiento of Taos, in the year 1835. It was regularly received in possession by them, and has since that time remained in their possession and enjoyment and in the possession and enjoyment of their legal representatives, without any objection or hinderance from any other claimants or parties.

Your petitioner herewith presents and asks to file in your office the original title-papers in his said claim, accompanying the same, with a translation duly made and sworn to as correct, the same being from the Spanish into the English language; and he also presents

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to be filed with said original and translation a sketch-map of said land, showing the locality of the same so far as the same can be made known without a previous survey of the land, said map showing the boundaries of said land as designated in said grant, which boundaries are well-known landmarks, easily found and established as the true ones of and for said grant.

Your petitioner would further represent that said land has been in the possession and use of the grantees and their legal successors from the date of their said grant, and is now in the quiet and peaceable possession and enjoyment of the same.

Your petitioner would further represent that he is desirous of bringing before your honor for examination witnesses to prove the signatures of the officers making said grant, the constant possession of the land claimed thereunder, and such other matters and things as your honor may require evidence concerning said grant and claim.

Your petitioner would further represent that he asserts and claims a perfect title to said land under the grant aforesaid, made in good faith under the laws, usages, and customs of the republic of Mexico, and guaranteed under the treaty of Guadalupe Hidalgo; and that he now presents the same for recognition, approval, and confirmation by the Government of the United States, under the law of Congress of the 22d of July, A. D. 1854, for the investigation of land-grants in the Territory of New Mexico, and asks of your honor an early investigation of his title under said law of Congress.

JOSÉ ANTONIO LAFORET.
By SAMUEL ELLISON, *his Attorney.*

[Sketch-map.]

SKETCH.

Sketch showing approximately the boundaries of grant of Cañon del Rio Colorado.
Upon its east boundary about ten miles from north to south.
Upon its west boundary about eight miles from north to south.
Extending from east to west about twenty miles.
Containing, as is supposed, 115,000 acres; situated about thirty miles north of Taos, and about three-fourth mile east of town of Colorado.
The public surveys not extended over this grant.

[For sketch see original.]

MUNIMENT OF TITLE.

Sor. alcalde constitucional de 1*r. voto Dn. Antonio José Ortiz:*

Y esta ilustre corporacion comparecemos presentes ante VS. con la mayor sumicion y respecto y á la nuestra convenga, yo el C. Antonio Elias Armenta y José Victor Sanches y José Manuel Sanches, solicitando un terreno por posesion para nuestros animales, que es el paraje de el cañon de el rio Colorado, que se tiene por pastos sin continuacion de el territorio, mas de uno ó otro animal que entra solo, si no haciendosenos á nosotros perjuicio de tercero, lo ponemos en escusion en VS. para que como acordados y padres de la vendota publica, nos concedan esta nuestra peticion si nos conviene comprometiendonos el no consentir alguna persona, que se considerán no ser legales en su entrada y dha. peticion es de la puerta de el cañon hasta la cabeza de el rio y hacia el norte lo que hace la cuchilla hasta el Rito del Cabresto, si mi respectable junta y presidente lo tienen por conveniente siendo nuestra peticion legal, y juramos no ser de malicie en lo necesario, &c.

12 de Junio de 1836.
Somos,

ANTONIO ELIAS ARMENTA. +
JOSÉ VICTOR SANCHES.
JOSÉ MANUEL SANCHES. +

En sesion del dia de hoy se recivio la anterior presentacion, y puesta á discucion en el R. ayuntamiento, salio de concepto que se les de la posesion que solicitan con la precisa condicion que se deben sujetar desde la puerta del cañon que citan á la laguna, y primeros vallecitos mas inmediatos á dha. laguna, por el norte como esponen en su solicitud así lo decreto, mando y firmo la ilustre corporacion hoy 23 de Junio de 1836.

ANTONIO J. ORTIZ.
SANTIAGO MARTINEZ.
JUAN ANTONIO LOBATO,
Secretario.

[Translation of muniment.]

His Honor ANTONIO JOSÉ ORTIZ,
Constitutional Alcalde of First Vote:

And this illustrious corporation, we, citizens Antonio Elias Armenta, José Victor Sanches, and José Manuel Sanches, with the greatest submission and respect, and in

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due form, personally appear before your excellency, praying for a tract of land in grant for our live-stock; it being the place of the Cañon del Rio Colorado, which is considered pasture-land, although very few animals enter the ground; but no injury as from a third party being occasioned us, which we state to you, so that you together, and as guardians of the public welfare, may grant this our petition, if proper, binding us not to admit any person not deemed proper as residents; and said application is from the mouth of the cañon to the source of the river, and on the north, what forms the ridge to the Rito del Cabresto, provided our junta and its president think expedient and our application being legal; and we declare this is not in dissimulation, and as necessary; and we are,

This 12th of June, 1836.

ANTONIO ELIAS ARMENTA.
JOSÉ VICTOR SANCHES.
JOSÉ MANUEL SANCHES.

In session of this day the foregoing petition was received, and being put to discussion before this respectable ayuntamiento, it was decided to make to the parties the grant applied for, with the indispensable condition that they must confine themselves to from the mouth of the cañon they mention to the lake, and the first little valleys to said lake on the east, as they state in their application. Thus the illustrious corporation decreed, commanded, and signed this day, June 23d, 1836.

ANTONIO JOSÉ ORTIZ.
SANTIAGO MARTINEZ.
JUAN ANTONIO LOBATO,
Secretary.

The foregoing is a correct translation from the original in Spanish, to the best of my knowledge and belief.

SAMUEL ELLISON,
Translator.

Sworn to and subscribed before me this February 13, 1872.

T. RUSH SPENCER,
Surveyor-General.

SURVEYOR GENERAL'S OFFICE. SANTA FÉ, N. MEX.,
Translator's Department, February 23, 1872.

The foregoing translation, having been by me compared with its original in Spanish and found correct, is hereby adopted as the official translation.

DAV. J. MILLER, *Translator.*

TESTIMONY OF WITNESSES.

ANTONIO ELIAS ARMENTA ET AL.

DONACIANO VIGIL, being by the surveyor-general duly sworn, on his oath declares:

Question by the surveyor-general. What is your name, age, and residence?

Answer. My name is Donaciano Vigil; my age seventy-two years; and I reside at Pecos, in the county of San Miguel, New Mexico.

Q. Did you know, in their life-time, Antonio José Ortiz, Santiago Martinez, and Juan Antonio Lobato? and if you knew them, state where they resided, and whether you know their handwriting.

A. I knew them all three; they resided in the county of Taos; and I know their handwriting.

Q. Please examine the original grant in this case, now handed you for the purpose, and examine the signatures borne by it, purporting to be the signatures of those individuals, and state whether, in your opinion, they are genuine.

A. To the best of my opinion and belief they are their genuine signatures.

Q. Do you know the place called the Cañon del Rio Colorado? and if so, state where it is situated.

A. I know the place, and it is situated in the county of Taos, and lies to the east of the road leading from Don Fernando de Taos toward the Culebra Costilla and Fort Garland, the town of Rio Colorado being at the mouth of the cañon at its west end.

Q. Was it or not the usage and custom in this country, from the year 1836 to 1838, for the alcaldes and ayuntamientos to make land-grants?

A. It was the custom and usage, and was such under and in accordance with the seven laws known as the siete leyes, and under that authority the governors, prefects, and alcaldes, in conjunction with the ayuntamientos, had authority to make grants of

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lands. This law of the siete leyes was promulgated by one of the national governments of Mexico. The law was enacted in 1836, and remained in force till 1838, when, another government coming in, it was repealed.

Question by Samuel Ellison, attorney for claimant. You have stated you knew the settlement at the Rio Colorado. Please state what you know concerning the same.

A. In the year 1829 we, as a military command of about two hundred men, I being of them as a sergeant, on our way to have a council and make a treaty of peace with the northern Indians who had recommenced hostilities recently, passed by the place mentioned, the town of Rio Colorado. It was then abandoned, in consequence of the depredations of the Indians, and was a square of houses of about fifty varas on each side, the walls of the houses being all standing. I was never at the place again. The place stands on the north bank of the Rio Colorado, about five or six leagues north of Don Fernando de Taos. I do not know of, nor have I ever heard of, any mines or minerals on the land about the Rio Colorado settlement. I have no interest whatever in this claim for land at the place mentioned.

DONACIANO VIGIL.

Sworn to and subscribed before me this May 22, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

CARLOS VIGIL, being by the surveyor-general duly sworn, on his oath declares:

Question by the surveyor-general. What is your name, age, residence, and occupation?

Answer. My name is Carlos Vigil; my age is sixty-five years; my residence is at the pueblo of Pesuque, in this county of Santa Fé; and my occupation is farmer.

Q. Do you know the town of Rio Colorado, in Taos County? and if so, please state what you know concerning it.

A. I was there in the year 1849, in search of a lost animal, which I found there and which was delivered to me. It was a town containing some hundred families. The place is about five leagues north of Fernando de Taos on the north bank of the Rio Colorado, and on the main wagon-road. I have never seen or heard that there was any mineral or any mine or mines upon the land embracing the settlement; and I have no interest whatever in this claim for land.

CARLOS VIGIL.

Sworn to and subscribed before me this May 22, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

ANTONIO ELIAS ARMENTA ET AL.

PABLO DOMINGUEZ, having first been sworn by the surveyor-general to depose in this case, on his oath declares:

Question by Samuel Ellison, as attorney for claimants. What is your name, age, occupation, and residence?

Answer. My name is Pablo Dominguez; my age was sixty-one years last January; my occupation is farmer; and my residence is here at Santa Fé.

Q. What offices, if any, did you hold in New Mexico under the Mexican government?

A. Since I was twenty-one years of age I was continually in the military service here, down to the year 1846, and was then a lieutenant in the Mexican military service here, and was such here until in the month of August, 1846, when the American military forces took possession of the country.

Q. Have you ever been at a place in this Territory called the Cañon del Rio Colorado? And, if so, please state where it is situated and what you know about it.

A. I have known such a place many years. It is a small town in the county of Taos, immediately on the further side or north side of the Red River. I was there in August or September, in the year 1845. The place is on the main road running northward from the town of Taos, and about eighteen or twenty miles from Taos. When I was at the place there were residing there about forty-five or sixty families. When I was there I was in command as lieutenant of a detachment of soldiers sent by the military commander Archuleta, in pursuit of some Panano (Cheyenne) Indians, who had been killing some shepherds in that section of country. According to my recollection, the town was built of adobe and lumber, principally of the latter. The most of the adobe buildings contained upon them loop-holed battlements, placed there for defense in fighting off the hostile Indians. There were fields there planted with corn and beans, and in the vicinity I saw pasturing, in charge of herders, considerable numbers of cattle. My orders were to scour the country throughout that section for Indians; and when we returned we came round by the Mora River and Las Vigas to Santa Fé, and thence to the

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Rio Arriba. I have never been at said town of Cañon del Rio Colorado since that time named. I have no interest whatever in the claim for land at or near said town.

PABLO DOMINGUEZ.

Subscribed and sworn to before me this June 18, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

ANTONIO E. ARMENTA ET AL.

JUAN DE JESUS DURAN, being sworn, on his oath declares:

Question by Mr. Ellison. What is your name, age, occupation, and residence?

Answer. My name is Juan de Jesus Duran; my age is 38 years; my occupation is laborer, and at present United States mail-carrier on the Taos and Santa Fé route; and my residence is at the ranchos de Taos.

Q. Do you know the place called the Rio Colorado plaza or town? And, if so, please state what you know about the same as to its locality and existence.

A. I know the place, and have always known the place since I can recollect. It is in the county of Taos, on the north or further side of the Red River, immediately on the bank. The place has now at least one hundred heads of families residing there. There were there when I first knew it some forty heads of families, and it has never contained less than that number to my knowledge. The place, as a town, was in existence in all the year 1846. In 1847 I was at school in Taos, and well recollect the revolution of that year, when Governor Bent was killed at Taos, which is distant from said town of Rio Colorado some eighteen or nineteen miles, and during the previous years (1845 and 1846) I was at the town of Rio Colorado aforesaid. The place was never abandoned by the inhabitants since I have known it. The said Red River is a branch of the Rio Grande del Norte, running westwardly by said town to said Rio Grande, into which it empties. I know of no mines or minerals upon said tract. I have no interest whatever in any property at the town or in the claim for the tract. I was at the town the last time thirteen days ago, and found the town in a growing and flourishing condition.

JUAN DE JESUS DURAN.

Sworn to and subscribed before me this June 25, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OPINION.

Opinion.

This claim for land is presented under the eighth article of the treaty of Guadalupe Hidalgo and the eighth section of the act of Congress approved July 22, 1854, establishing this office.

It appears from the record that, upon the petition of Antonio Elias Armenta, José Victor Sanchez, and José Manuel Sanches, made in due form, the ayuntamiento or council of Taos granted the land in question to the petitioners on June 23, 1836, and that it has been held by them and others holding under them ever since without dispute. It was a considerable settlement at the time of the American occupation in 1846, and now contains one hundred families at least.

I recommend that Congress confirm the title to the original grantees and their legal representatives, according to the boundaries set forth in the decree of the council making the grant, and dated June 23, 1836.

I transmit copies of the complete record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, June 30, 1874.

AUTHENTICATION OF TRANSCRIPT.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, July 28, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 93, in the name of Antonio Elias Armenta *et al.*

JAMES K. PROUDFIT,
United States Surveyor-General.

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Transcript.—Land-grant to Salvador Vernal and Tomas Lopez, being private land-claim reported as No. 94, for the Uña de Gato tract, in Colfax County, New Mexico. Date of grant January 1, 1839. Reported by the United States surveyor-general July 13, 1874.

PRESENT CLAIMANT'S PETITION.

To the Hon. JAMES K. PROUDFIT,
United States Surveyor-General for the Territory of New Mexico:

Your petitioner, Manuel A. Otero, legal representative of Salvador Vernal and Tomas Lopez, and present claimant of a certain tract or parcel of land on the Rio Colorado, in this Territory, known as the Uña de Gato grant, respectfully represents: That on the first day of January, 1839, Manuel Armijo, then civil and military governor of New Mexico, in the republic of Mexico, did, upon the petition (now missing, as hereinafter mentioned) of said Salvador Vernal and Tomas Lopez to him for land, direct the proper constitutional alcalde, Manuel Garcia de la Mora, to place said grantees, Vernal and Lopez, in possession of the tract they had together applied for, the same being the said Uña de Gato tract; that the said constitutional alcalde did, in obedience and pursuance of said decree and order of the said civil and military governor, proceed to the place therein named, and did give unto and place in possession of said Vernal and Lopez the said tract of land, under the boundaries mentioned in said act of possession, to wit, on the north the Tinaja hill and the Cola del Aguila; on the south the Chico and the Malpaciosos hill; on the west the Rio Colorado hills, according to the banks of the river; and on the east a line with the Tinaja hills and the Malpaciosos hills of the large mountain; all of which boundaries are well-known landmarks in the locality of this grant; and that on the 4th day of July, 1839, the act of possession so executed was approved and confirmed in writing by said civil and military governor in favor of said Vernal and Lopez; all of which more fully appears from the original papers herewith filed in your office for your adjudication under the treaty of Guadalupe-Hidalgo and the act of Congress of the United States establishing the office of surveyor-general for New Mexico.

Your petitioner further represents, that the petition of said grantees, Vernal and Lopez, asking a grant for said Uña de Gato tract of land, is now lost or mislaid, so that the same cannot now be presented and filed with the other papers in the case, though diligent search and inquiry have been made therefor; and your petitioner, therefore, prays that the production of said petition be waived by the United States as a paper non-essential, after the fact of the grant in the premises, in the adjudication of his said claim.

Your petitioner herewith presents a deed of conveyance from said original grantees, Salvador Vernal and Tomas Lopez, to one Antonio Matias Gomez, dated August 27, 1841, duly executed in accordance with the laws in force in New Mexico at that time, and prays that the same be filed in the case as one of the mesne conveyances to your petitioner for the land held under said grant.

Your petitioner herewith files the above-mentioned papers, with the exception of the petition missing as aforesaid, together with a sworn translation of the same, and also a sketch-map of the tract of land claimed thereunder; which map represents the land so claimed as accurately as is practicable without a prior survey of the same, which has never been made.

Your petitioner represents that the said tract of land has been in the quiet and peaceable possession of said original grantees and their legal representatives since the date of said grant and act of possession, and is ready to make proof thereof; and prays that said grant be investigated, recognized, and confirmed to the said grantees, Salvador Vernal and Tomas Lopez, and their legal representatives.

MANUEL A. OTERO,
By SAMUEL ELLISON, *his Attorney.*

SKETCH-MAP.

Sketch of the Uña de Gato grant, extending from east to west about forty-one miles, extending from north to south about about twenty-one miles, situated in Colfax County, Territory of New Mexico.

[For sketch, see original.]

[MUNIMENTS OF TITLE.]

Vale por el sello 3°, 1839.

Orden: Alcalde Manuel Garcia de la Mora 2do alcalde constitucional de la jurisdiccion de Abiquiu, asistiendo como presidente de repartos de mercedes por orden del decreto. Vale por el sello tercero de 1839 y 1840.

[Rubrica.]

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SANTA FEE, *Enero 1ro de* 1839.

En este dia primero, yo, Manuel Armijo, governador politico y militar de esta mi mando, decreto y ordeno á V. y mando en conformidad con la ley que nos rijen y mandan, en conformidad con la á la peticion de los ciudadanos Salvador Vernal y Tomas Lopez de esta del pueblo de Jemes, órdeno á V. que como, alcalde de la jurisdiccion de Abiquiu, como presidente interino de repartos de mercedes, pase al lugar que comunmente llaman y mas particularmente conocido por la Uña de Gato, con los peticionarios y sus regidores y los pondra á los dichos agraciandoles sus terreno de merced y les señalara sus linderos de la dicha donacion, delante de Dios y de su mando y les dara sus documentos de merced para que despues de Dios, le den la parte que les toca y lo gozen sus hijos y demas susesores, y ellos como agraciados su terreno, y por lo tanto, mando y ordeno, y provi esta orden en este papel comun por no averlo de ningun sello, en este mi mando y ordeno para efectos correspondientes en este de mi cargo.

Santa Fee, Enero de mil ochocientos treinta y nueve.

SANTA FEE, *Enero 1ro.* 1839.

Aprobe este decreto para efectos correspondientes.

ARMIJO. [SELLO.]

Un quartillo. Sello quarto un quartillo, años de mil ochocientos diez y ochocientos [SELLO] once. Sello 1839 y 1839. [Rubrica.] Valga por los á de 1839 y 1840. [Rubrica.]

[SELLO.] En este puesto de Santa Cruz de la Cañada, á los 25 dias del mes de Enero del año del Dios de mil ochocientos treinta y nuebe, comparecieron prencentes los [SELLO] CCnos. Salvador Vernal y Tomas Lopez de Jemes, ambos bien conocidos de mi jurisdiccion de mi cargo, y me suplicaron como juez constitucional pusiera mi autoridad y judicial decreto, y á nombre de ambos dos, en que les hiciera una dona- [SELLO] cion de terreno, y yo como alcalde constitucional Manuel Garcia de la Mora, asiendo las veces de presidente de los repartos de merced segun la orden de su mandato pase al lugar que llamamos el nombre de la Uña de Gato, y señalandole sus linderos por el norte el serro de la Tinaja y Cola del Aguila, y por el sur el Chico y serros Malpaciosos, y por el poniente las lomas del rio Colorado segun las riveras del rio, y por el oriente una linia del serro de la Tinaja y los serros Malpacios de la sierra grande, reconocida y biendolos pasiar se por el terreno arrancando zacate y tiran de piedras y gritando con gusto viva el Dios Nuestro Señor, que nos ampara y nos protegue y que dando el terreno á favor de sus pretendientes y para sus hijos, y asignados para siempre todo título y interes sobre la dicha donacion y mirando que los donados lo hicieron con el fin de proteger á sus familias y dar sus pasos para su bien estar entonces, yo como juez constitucional dije que interponia y la interpuse cuanto por derecho me es conferido por la ley de sus decretos, y como presidente ahora interino en esta jurisdiccion de mi cargo, por lo tanto done en N. D. D., y la nacion y su merced y para que nadien les ponga ningun pleito ni enbarazo en su posesion puse mi firma judicial, con mis regidores, Miguel Martines y José Santiago Trujillo y mi secretario en lo cual di fé y conosco ser esta donacion de merced &., verdad.

MANUEL GARCIA DE LA MORA,
Asedo. Presidente y Juez Constitucional.

Regidores, MIGUEL MARTINEZ y
SANTIAGO TRUJILLO.
Secretario, VICENTE MARTINEZ.

Vale por sello tercero por los años de 1839 y 1840.
[Rubric.]

SANTA FÉ, *Julio 4to de* 1849.

Habiendo visto la merced concedida á Salvador Vernal y Tomas Lopez, y estando yo satisfecho que hay habra perjuicio de tercero doy fee en que la dicha, merced esta por mi aprobada en este, lugar Santa Fé, Julio 4to, de 1839, y para su debido, complimiento la firmo para efectos correspondientes de los dichos agraciados.

ARMIJO.

Filed for record April 3d, 1873, at 9 o'clock a. m., and recorded in Book A, page 342, Records Colfax County, New Mexico.

JOHN LEE,
Clerk Probate Court and ex-officio Recorder Colfax County, New Mexico.

Papel comun, traspasado en el 1841.

En esta lugar de la Sangre de Cristo á los 27 dias del mes de Agosto del año de mil ochocientos cuarenta y uno, ante mi, uno de los Jueces de paz, comparecieron presentes los ciudadanos Salvador Vernal y Tomas Lopez, ambos dos bien conocidos de esta tercera demarcacion de Anton Chico, y me suplicaron como vendedores que les hiciere el dicho documento de traspaso, que dicen que le vendieron al Cno. Antonio Matias Gomes un cierto terreno que se halla en el lugar de la Uña de Gato al lado del oriente del rio Colorado y son sus linderos como lo dice la merced á ellos concedida por el

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governador Manuel Armijo año de 1839, los siguientes: por et norte el serro de la Tinaja y Cola del Aguila, y por el sur el Chico y serros Malpaciosos, y por poniente las lomas del rio Colorado segun las riveras del rio, y por el oriente una linia del serro de la Tinaja y los serros Malpaciosos de la sierra grande reconocida y la dicha tierra dícen los vendedores aver vendido por el precio y cantidad de trescientas cabras, un sarape nabajo, una mula tordilla, y una yunta de buelles y setenta y cinco pesos fuertes con los cuales dicen los dichos vendedores haber vendidos y quedan contentos y dicen que si vale ó baler pueda la dicha tierra le hacen gracia y donacion mera y perfecta inrevocable, yo el juez dije que la interponia y la interpuse tanto y por cuanto me es conferido por la ley y en esto doy fee en el trato y en la entriega y dos testigos de assta., &c., que atuaron en ffees.

JESUS SISNEROS,
Juez de Pas 3a demarcacion de Anton Chico de mi cargo.

Testigos:
JUAN PEREA.
JUAN JOSÉ GONZALES.

Otorgantes y sus esposas, separadamente con su voluntad de ambas dos en mi presencia como juez alcalde.

SISNEROS.

Otorgantes: Tomas Lopez +, Chepita Baca +, Salvador + Vernal +, Tomacita + Baca +, firmado +, y ortogado.

[TRANSLATION OF MUNIMENTS.]

Valid for the third seal, 1839.

Order: Justice of the peace Manuel Garcia de la Mora, second constitutional justice of the peace of the jurisdiction of Abiquiu, attending as president of divisions of lands by authority of the decree. Valid for the third seal of 1839 and 1840.

[Rubric.]

SANTA FÉ, *January* 1, 1839.

Upon this first day, I, Manuel Armijo, civil and military governor of this my jurisdiction, do decree and direct that you, in conformity with the laws which govern us and are in force, and in conformity with the petition of citizens Salvador Vernal and Tomas Lopez, of the pueblo of Jemez, and do order that you, as an alcalde of the jurisdiction of Abiquin, as acting president of the division of lands, proceed to the place they commonly call and more particularly known as the Uña de Gato, with the petitioners and your aldermen, and that you establish the parties aforesaid, giving them the granted land; and you will point to them their boundaries of the said grant in the presence of God and of your authority, and will give them their documents of grant, so that they be given the portion corresponding, and, God willing, their children and other successors and themselves, as grantees may enjoy their land; and therefore I do command and order, and have so provided upon this common paper, there being none of any stamp in this jurisdiction of my charge, and do ordain for the corresponding effects in this district of my charge, Santa Fé, January, eighteen hundred and thirty-nine.

SANTA FÉ, *January* 1, 1839.

I approved this decree for the corresponding effects.

ARMIJO.

[Seal attached.]

One cuartillo. Seal fourth—one cuartillo—years one thousand eight hundred and ten [SEAL.] and eight hundred and eleven. Seal 1839 and 1839.
Valid for the years 1839, 1840.

[Rubric.]

At this place, Santa Cruz de la Cañada, upon the 25th day of the month of January of the year of our Lord one thousand eight hundred and thirty-nine, personally appeared citizens Salvador Vernal and Tomas Lopez of Jemez, both well known of this the jurisdiction under my charge, and asked of me that, as constitutional justice I interpose my authority and judicial power, and in names of both make them a grant of land, and I, Manuel Garcia de la Mora, as constitutional alcalde, acting as president of division of grants, in accordance with the order under the decree, proceeded to the place that we call by the name of Uña de Gato, pointing out to them their boundaries, on the north the Tinaja hill and the Cola del Aguila, and on the south the Chico and the Malpaisos hills, and on the west the hills of the Rio Colorado, according to the bank of the river, and on the east a line of the Tinaja hill and the Malpaisos hills of the well-known large mountain; and they seeing their boundaries, they walked over the land, pulling up grass and throwing stones and shouting with joy glory to God our Lord, who assists and protects us; the land remaining to the benefit of the applicants therefor, and for their children and assigns forever, with full title and interest in the said grant; and seeing that those

[SEAL.]
[SEAL.]
[SEAL.]

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receiving do so with the object of supporting their families and of doing something for their welfare, I then, as constitutional justice, declared that I would interpose, and I did interpose as far as by law I am authorized to do under the law of the decrees and as president now temporary in this jurisdiction under my charge. Wherefore I have granted, in the name of God and the nation and its dignity; and in order that no one shall bring any suit or incumbrance against their possession, I signed my official signature, with my aldermen, Miguel Martinez and José Santiago Trujillo, and my secretary, to which I certified; and I know this to be a donation of grant, &c., to be true.

MANUEL GARCIA DE LA MORA,
President and Constitutional Justice.

Aldermen,

MIGUEL MARTINEZ,
SANTIAGO TRUJILLO.

Secretary,

VICENTE MARTINEZ

Valid for seal third for the years 1839 and 1840.

[Rubric.]

SANTA FÉ, *July* 4, 1839.

Having seen the grant conceded to Salvador Vernal and Tomas Lopez, and being satisfied that there is prejudice to a third party [que hay habra perjuicie de tercero,] I do certify that the said grant is approved by me at this place, Santa Fé, July 4, 1839; and for its due fulfillment I sign the same for the corresponding effects for the said grantees.

ARMIJO.

Filed for record April 3, 1873, at 9 o'clock a. m., and recorded in deed-book A, page 342, records Colfax County, New Mexico.

[SEAL.]

JOHN LEE,
Clerk Probate Court and Ex-Officio Recorder Colfax County, New Mexico.

Common paper—conveyed year 1841.

At this place, Sangre de Cristo, on the 27th day of the month of August, in the year of one thousand eight hundred and forty-one, before me, one of the justices of the peace, appeared the citizens Salvador Vernal and Tomas Lopez, both well known of this third district of Anton Chico, and as vendors requested me that I would make for them the said deed of conveyance, as they declare that they sold to Antonio Matias Gomes a certain tract of land situated at the place Uña de Gato, on the east side of Red River, and its boundaries are the following, as the grant conceded to them by Governor Manuel Armijo, year of 1839, recites: On the north the Tinaja hill and Cola de Aguila, and on the south the Chico and Malpaciosos hills, and on the west the hills of Red River, conforming to the banks of the river, and on the east a line of the Tinaja hill and the Malpaciosos hills of the well-known large mountain; and the vendors declare they have sold the said land for the price and amount of three hundred goats, a Navajo blanket, a gray mule, and a yoke of oxen, and seventy-five silver dollars, specie, for which the said vendors declare they sold and are satisfied, and declare that if the said land is worth or might be worth [more] they make to them gift and donation full and irrevocable; and I, the justice, said that I would, and I did, officiate as far and as fully as the law permits; and to this I certify, in the transaction and in the delivery, with two attending witnesses, &c.

JESUS SISNEROS,
Justice of the Peace Third Demarcation of Anton Chico in my charge.

Witnesses:

JUAN PEREA,
JUAN JOSÉ GONZALES.

Principals and principals, their wives separately, with the will of both, in my presence and officiating alcalde.

SISNEROS.

Tomas Lopez, Chepita Baca, Salvador Vernal, Tomacita Baca, signed and executed.

The foregoing is a correct translation of the original in Spanish, to the best of my knowlege and belief.

SAMUEL ELLISON.

Subscribed and sworn to before me this May 29, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
SANTA FÉ, NEW MEXICO, *May* 29, 1874.

The foregoing translation having been by me compared with the papers from which it was made and found correct, is hereby adopted as the official translation.

DAV. J. MILLER,
Translator.

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TESTIMONY OF WITNESSES.

SALVADOR VERNAL AND TOMAS LOPEZ.

UÑA DE GATO TRACT.

JUAN PABLO MADRID, being by the surveyor-general duly sworn to depose in this private land-claim, on his oath declares:

Question by Mr. Ellison, attorney for present claimant. What is your name, age, occupation, and present residence?

Answer. My name is Juan Pablo Madrid; my age is sixty-four years; my occupation is farmer, and my residence is at Santa Cruz de la Cañada, in the county of Rio Arriba.

Question. Do you know a tract of land known as the Uña de Gato tract? And, if so, please state what you know about the same.

Answer. I know the tract. It is to the east of this place, on the further side of the Rio Colorado, and upon that stream. I have been at the place three times, in the years 1841, 1842, and 1843. Matias Gomez was then residing upon the tract. When I passed there en route to trade with the Comanche Indians and to hunt buffalo, Gomez had there some cabins built. The given name of said Gomez was either Juan Matias or Antonio Matias, I do not remember which. I knew him personally. I knew him at Santa Cruz, where he was clerk of the ayuntamiento, and also at his cabins on said tract of land. He died, I think, at Anton Chico, in this Territory. I do not know precisely the boundaries of the grant; to my own knowledge I do not know whether any person or persons live upon the land at this time. I have no interest whatever in the land in question. I do not know whether there are any mines or minerals upon the land. When I was there there were some goats and *burros* there, and some growing crops. I do not know whether at the date of the treaty of Guadalupe Hidalgo of 1848 there was anybody living upon the tract. I remember that in the year 1845 I met Gomez, when he told me that, owing to the war with the Ute Indians and the depredations of those savages, he would be compelled to abandon his place at the Uña de Gato, and that he intended to remove to Anton Chico, as he subsequently did.

JUAN PABLO MADRID.

Subscribed and sworn to before me this May 29, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

ANTONIO GOMEZ, being sworn by the surveyor-general, on his oath declares:

Question by Mr. Ellison. What is your name, age, occupation, and residence?

Answer. My name is Antonio Gomez; my age is 47 years; my occupation is farmer, and my residence is San Ildefonso, in the county of Santa Fé.

Question. Do you know the tract of land called the Uña de Gato? If so, state where it is situated, and what you know about it.

Answer. I know the tract of land mentioned. It lies upon the farther side of the Red River, and upon that stream in this Territory. When I was there my brother, Antonio Matias Gomez, lived there. I was there between the years 1842 and 1846. He then had there some cabins built and some corn growing and had some live-stock, such as goats, beeves, and cows. I remember I was there in the spring of the year and remained about a week, and when I came away I brought some six or seven goats, which I had gone there to get. I do not know whether the land was occupied by the grantees or their successors at the time of the treaty of 1848 with Mexico, or whether it was occupied since. I do not know whether the land contains any mines or minerals. I do not know the boundaries or the extent of the tract. I have no interest whatever in the land. The land was abandoned by my brother, Antonio Matias Gomez, on account of the depredations of hostile Indians. He died at Anton Chico, in what year I do not recollect, but I think it was in the year 1858 or 1859, I first hearing of his death some ten or eleven months after it occurred.

ANTONIO GOMEZ.

Subscribed and sworn to before me this May 29, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

JUAN PABLO MADRID recalled and examined:

Question by Mr. Ellison. In continuation of your declaration of 29th May last, please state what you know in relation to the petition of the claimants, Vernal and Lopez, and the decree of the governor thereon, for the land here in question.

Answer. In the year 1839, I myself brought to Santa Fé and presented to Governor Armijo a petition of Salvador Vernal and Tomas Lopez for land known as the Uña de Gato tract. This petition, which I heard read on receiving it, was delivered me by

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Vernal and Lopez at the town of Santa Cruz de la Cañada, for bringing to the governor at Santa Fé. Vernal and Lopez had an attorney, one Joaquin Valdez, employed to attend to the business of procuring the grant for them from the government, and Valdez paid me for bringing the petition therefor to the governor at Santa Fé. On my arrival here at Santa Fé I went to present the petition to the governor, accompanied by Domingo Fernandez, who was connected in some official capacity with the governor, who in my presence and at my request presented the petition to the governor, who upon receiving it directed me to call at the executive office the following day, when he would advise me of his determination in the matter of the petition. On the following day I returned, as directed, accompanied by Señor Fernandez, as before, when the governor read to us his decree, and then, inclosing the same in an envelope, handed the envelope and inclosure to Fernandez and he to me, whereupon I returned to Santa Cruz and there delivered the same to Valdez, and who immediately delivered the papers to Messrs. Vernal and Lopez, remarking to them that the business was complete and turned over to them. The decree was written upon a half sheet of paper, and the document now shown me, purporting to be the same, I verily believe is the identical paper I refer to as handed me by the governor at that time and which I delivered to Valdez as stated.

JUAN PABLO MADRID.

Sworn to and subscribed before me this July 6, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

BARTOLO MARTIN, being sworn by the surveyor-general, on his oath declares:

Question by Mr. Ellison. What is your name, age, occupation, and residence?

Answer. My name is Bartolo Martin; my age is about seventy-five years; my occupation is farmer; and my residence is now, and always has been, at San Ildefonso, in the county of Santa Fé.

Question. Do you know a tract of land called the Uña de Gato tract; and if so, please state where it is situated and what you know concerning the land, and the claim therefor now here pending.

Answer. I do know such a tract of land. It is upon the farther side of the Red River, north of the town, and I think in the county of Colfax, in this Territory. The boundaries of the tract I do not know. In or about the year 1839, Salvador Vernal and Tomas Lopez, who had been residing at the town of San Ildefonso, and who were then leaving there to go upon and occupy said Uña de Gato tract, of which they were said to be the owners, employed me to go with them to the spot and take charge of their sheep and goats there, which I did, remaining in their employment about three years as shepherd, and until the invasion of the Texans, in 1842, when I returned to San Ildefonso to live, but have several times been back to the place. Before I left the first time, Antonio Matias Gomez and his family moved upon the land and resided there, and I was some three months in his employ there as shepherd. Subsequently, and soon after the American military forces took possession of New Mexico, in 1846, I was again at the place, *en route* to the Comanche country, on a trading expedition, and Gomez was still residing there with his family, though his wife had died since my last former visit to the spot, and both Vernal and Lopez had disappeared. There were cabins on the ground, occupied by the parties I have mentioned as residences all the time I knew the place; and there were patches of corn, beans, &c., cultivated by them; and all the time they had live-stock there. I have never seen or heard of any mines or minerals on the Uña de Gato tract. It is all pastoral land, though there is some hilly country on the tract. I have no interest whatever in this claim.

his
BARTOLO + MARTIN.
mark.

Sworn to and subscribed before me this July 6, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

JESUS MARIA GOMEZ, being sworn as aforesaid, on his oath declares:

Question by Mr. Ellison. What is your name, age, occupation, and residence?

Answer. My name is Jesus Maria Gomez y Lopez; my age is thirty-one years; my occupation is farmer; and my residence is San Ildefonso, in this (Santa Fé) county.

Question. Do you know the tract of land known as the Uña de Gato tract; and if so, please state what you know concerning the same, and this claim therefor.

Answer. I know the tract mentioned. It is situated in the county of Colfax, in this

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Territory, upon the farther or east side of the Red or Canadian River. I was when quite young there with my father and his family, my father being at that time owner of the land. His name was Antonio Matias Gomez. He died September 19, 1858, at Anton Chico, New Mexico, my mother having died at the same place August 29, 1852. When I was at the Uña de Gato place I remember seeing there houses, fields, and live-stock. Some eight or nine months after my father's death I went to the place and brought away the live-stock under authority of the Hon. Francisco Lopez, judge of probate for the county of San Miguel. The property or live-stock just mentioned was ordered by said judge, who was my uncle, to be delivered and turned over to me as sole heir of my deceased father, said Antonio Matias Gomez. The land here in question, the Uña de Gato tract, I have no interest whatever in, having sold and alienated all my right, title, and interest therein. Three years ago I learned that there was a grant in existence from the Mexican government for said Uña de Gato tract of land, though I had been told the same also by my said deceased father, who told me also that he was the owner of the same. I made diligent search for the papers at Taos, at San Juan, and at Santa Cruz, and finally found them at Abiquiu; that is to say, I there found the decree of grant made by Governor Armijo for the land of the Uña de Gato, which decree is now on file with the surveyor-general in this case. I could never find the petition to the governor of the grantees, Vernal and Lopez, asking the land. The other papers—two in number—being the grant, and the act of possession, and the deed from Vernal and Lopez to Antonio Matias Gomez, all now on file in the case, were found among the effects of my father after his death.

JESUS MA. GOMEZ Y LOPEZ.

Sworn to and subscribed before me this July 6, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

No. 94.

SURVEYOR-GENERAL'S OPINION.

Opinion.

This claim for a grant of land comes before me under the eighth article of the treaty of Guadalupe Hidalgo and the eighth section of the act of Congress approved July 22, 1854.

The grant was made, according to the record, by Manuel Armijo, civil and military governor of New Mexico, then a territory of the Mexican Republic, January 1st, 1839, and after possession had been given in usual form, he approved the proceedings July 4th, 1839. In this last paper is doubtless an omission of language, this seeming plain from the act of possession, which he approves. I have not deemed it important that the original petition of the grantees to Governor Armijo should be produced.

Believing that the original papers on file are genuine, and that the present claimant is acting in good faith, I recommend that Congress confirm the grant to the legal representatives of Salvador Vernal and Tomas Lopez, original grantees. I transmit the complete record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, July 13, 1874.

AUTHENTICATION OF TRANSCRIPT.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, July 28, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number 94, in the name of Salvador Vernal and Tomas Lopez.

JAMES K. PROUDFIT,
United States Surveyor-General.

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43D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 3.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In answer to a Senate resolution of February 3, 1873, information in relation to the condition of the records and documents of Mexico relating to the land now embraced within the Territories of Arizona and New Mexico; also to their place of custody and deposit, and to the method of procuring authentic transcripts of such records and documents.

DECEMBER 10, 1874.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 3d of February, 1873, I transmit herewith a report from the Secretary of State, together with the papers which accompanied it.

U. S. GRANT.

WASHINGTON, *December* 8, 1874.

DEPARTMENT OF STATE,
Washington, December 8, 1874.

To the President:

On the 3d of February, 1873, the Senate passed a resolution requesting the Secretary of State to ascertain, through the minister of the United States to Mexico, "the condition of the records and documents of that government relating to the land now embraced within the territories of Arizona and New Mexico, also at what place or places such records and public documents are deposited, and in whose custody, and to communicate to the Senate such information touching the premises as he may have been enabled to obtain; and also what will be the best method, and the expense thereof, of procuring true and authentic transcripts of such records and public documents."

In compliance with the request contained in the said resolution, I have now the honor to transmit herewith a copy of the dispatches and of their accompaniments upon the subject, from Mr. Foster, the minister of the United States to Mexico, which are mentioned in the subjoined list of papers.

Respectfully submitted.

HAMILTON FISH.

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List of accompanying papers.

Mr. Foster to Mr. Fish, 7th May, 1874. No. 142, with accompaniments.

Same to same, 16th July, 1874. No. 165, with accompaniments.

No. 142.] LEGATION OF THE UNITED STATES,
Mexico, May 7, 1874.

SIR: I am in receipt of your dispatch No. 96, April 14, requesting me to call the attention of the Mexican minister of foreign affairs to a resolution of the Senate of the United States in regard to the records and public documents of the Mexican government relative to the lands now embraced within the Territories of Arizona and New Mexico, a copy of which resolution was communicated to the minister of foreign affairs by my predecessor, Mr. Nelson, under date of March 3, 1873.

Soon after the transmission of the resolution of the Senate by this legation to the Mexican foreign office, Mr. Rufus C. Hopkins, appointed by the Department of the Interior to examine the official registers of land-grants made by the Mexican government in Arizona and New Mexico, arrived in this capital, and upon the request of this legation he was permitted to make a full examination of the Mexican archives. I am informed that both Mr. Nelson and the minister of foreign affairs supposed that Mr. Hopkins, acting under the authority of the Government of the United States, had obtained all the information contemplated in the resolution of the Senate, and hence no further response was deemed necessary.

Upon receipt of your dispatch No. 96, on the 29th ultimo, I addressed the minister of foreign affairs a note, recalling to his attention the correspondence of Mr. Nelson on this subject, and requested that he would communicate to me the result of the inquiries made by his direction in the general archives.

Under date of the same day Mr. Lafragua replied to my note, referring to the visit of Mr. Hopkins, and inclosed to me a copy of the report of the director of the general archives, made March 22, 1873, in answer to Mr. Nelson's request, but not heretofore communicated to this legation. By this report it appears that no such records as those referred to in the Senate resolution exist in said archives; but that, inasmuch as all the territory north of Zacatecas was judicially subject to the audiencia of Guadalajara, it is in the archives of that city, which were saved from the conflagration of 1858, (1859,) that documents may perhaps exist of the character in question.

I have accordingly requested the minister of foreign affairs to obtain from the government of the State of Jalisco information as to the existence of such records in the archives of Guadalajara. As soon as I shall be informed in regard thereto, I will communicate the result to the Department of State.

I inclose herewith copies of my correspondence with the minister of foreign affairs, marked A, B, and C.

I am, sir, your obedient servant,

JOHN W. FOSTER.

Hon. HAMILTON FISH,
Secretary of State, Washington.

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[Inclosure A to No. 142.]

LEGATION OF THE UNITED STATES,
Mexico, April 29, 1874.

SIR: By direction of the State Department at Washington, my predecessor, Mr. Nelson, addressed to your excellency a note dated March 3, 1873, transmitting a copy of a resolution adopted by the Senate of the United States, on February 3 of the same year, in which said Department was requested to obtain, through this legation, certain information in regard to the records and public documents of the Mexican government, relative to the lands now embraced within the Territories of Arizona and New Mexico, with a view to procuring authentic transcripts thereof. Under date of March 11, your excellency was good enough to reply that you had transmitted the contents of Mr. Nelson's note to the director of the general archives of the nation, and would communicate to this legation the reply of that officer, when received. As no such communication has yet been made, I am instructed by my Government to call your excellency's attention to the said note of Mr. Nelson and resolution of the Senate, in the hope that the result of the promised inquiries may, at an early day, be made known to me for the ends above indicated.

I improve this opportunity to renew to your excellency the assurance of my sincere esteem and consideration.

JOHN W. FOSTER

His Excellency J. M. LAFRAGUA,
&c., &c., &c., Mexico.

[Inclosure B to No. 142.—Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 29, 1874.

SIR: I have had the honor to receive your excellency's note of to-day, in which, referring to that of the 3d of March, 1873, addressed to this department by Mr. Nelson, your excellency is pleased to state that you are instructed by your Government to call the attention of this department to said note and the resolution of the Senate of the United States of the 3d of February of the same year, in order to obtain, as speedily as possible, information concerning the records and public documents of the Mexican government relative to lands now included within the American Territories of Arizona and New Mexico.

Your excellency further states, that on the 11th of March following, I replied to Mr. Nelson that I had transmitted the contents of his note to the director of the general archives of the nation, and that I would communicate his reply when received to your legation, which your excellency remarks has not yet been done.

After the note of March 11, to which your excellency refers, Mr. Nelson addressed me an unofficial communication on the 21st of the same month, introducing to me Mr. Rufus C. Hopkins, and informing me that he had been appointed by the Department of the Interior of the United States to examine the official registers of land-grants made by the Mexican government in the region now embraced within the limits of the United States of America. On the 22d of the same month I replied to Mr. Nelson in a note, also unofficial, that Mr. Hopkins could, whenever he liked, visit the general archives of the nation, whose director had orders to aid him in the discharge of his commission; and on the same day, the 22d, that officer made the report called for, on transmitting him Mr. Nelson's unofficial note. I send your excellency copies of the said note and of my reply thereto.

Notwithstanding that in the report concerning the archives it was stated that the documents sought for are not found therein, order was given, on the 25th of March, to afford to Mr. Hopkins all the data existing in that office which he might solicit, as your excellency will please see in the inclosed copies of said report and order.

In view of my unofficial note of the 22d, that report was not then transmitted to your legation, but I take pleasure in stating to your excellency that whenever Mr. Commismissioner Hopkins may present himself in that office, his desires will be met as far as possible.

I improve this opportunity to renew to your excellency the assurance of my very distinguished consideration.

J. M. LAFRAGUA.

His Excellency JOHN W. FOSTER,
&c., &c., &c., Mexico.

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[Translation.]

GENERAL ARCHIVES OF THE NATION,
Mexico, March 22, 1873.

CITIZEN MINISTER OF FOREIGN AFFAIRS, *present:*

In obedience to the instructions you have given me to inform you what documents relative to Arizona and New Mexico are found in the archives under my direction, I have the honor to state that, by the practical knowledge of its records possessed by the oldest employés of this office, we know that respecting the said Territories, as well as all those which during the Spanish government were called interior provinces, there only exist historical documents, expressly and directly classified as such, and that under other classifications there are indirectly found certain scattered data on the subject; but, as I did not wish to base my report upon such general knowledge, which might be inexact, I ordered a careful examination of the indices of the records classified as lands, grants, &c., in which some documents might be found relative to landed property, whether in Arizona and New Mexico or in other portions of the internal provinces, and nothing was found of that character, which confirms the opinion previously expressed, and that which is generally entertained, that, inasmuch as all the territory north of Zacatecas was judicially subject to the audiencia of Guadalajara, it is in the archives of that city, which were saved from the conflagration of 1859, that documents may perhaps exist of the character in question.

Independence and liberty.

F. P. DE URQUIDI.

[Inclosure C to No. 142.]

LEGATION OF THE UNITED STATES,
Mexico, May 6, 1874.

SIR: Referring to the report of the director of the general archives of the nation, which your excellency was good enough to send me with your note of the 29th ultimo, I find it there stated that the data sought, respecting grants of land in Arizona and New Mexico, will probably be found, if in existence, in the portion of the archives of Guadalajara which was rescued from the conflagration of 1859. I will therefore be thankful if you excellency will request information as to the correctness of this presumption, from the government of the State of Jalisco.

I remain, with great respect, your excellency's obedient servant,

JOHN W. FOSTER.

His Excellency JOSÉ MARIA LAFRAGUA,
&c., &c., &c., Mexico.

No. 165.

LEGATION OF THE UNITED STATES,
Mexico, July 16, 1874.

SIR: In my dispatch No. 142, May 7, I transmitted my correspondence with the Mexican minister of foreign affairs, in relation to the records of lands in New Mexico and Arizona, from which it appeared that no records or documents on the subject existed in the public archives of this capital, but that such records might possibly be found in the city of Guadalajara.

At my request, the minister of foreign affairs called for information on the subject from the governor of the State of Jalisco, and that official has reported to him, (inclosures A and B,) that a very careful examination of the remaining archives in the city of Guadalajara shows that no

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records or documents relating to lands in Mew Mexico and Arizona exist in that city. It is very probable that if the records of land in said Territories had escaped destruction in previous revolutions, they were destroyed in the conflagration of 1859, in that city.

I am, sir, very respectfully, your obedient servant,

JOHN W. FOSTER.

Hon. HAMILTON FISH,
Secretary of State, Washington.

[Inclosure A to No. 165.—Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, June 3, 1874.

SIR: I have the honor to inclose your excellency a copy of a dispatch addressed to me by the governor of the State of Jalisco, in which he transcribes the report given him by the notary public in charge of the mortgage-office, concerning grants of land in the Territories of Arizona and New Mexico, as I promised your excellency in my note of the 8th of last month.

I reiterate to your excellency the assurances of my distinguished consideration.

J. M. LAFRAGUA.

His Excellency JOHN W. FOSTER,
&c., &c., &c., Mexico.

(Copy.)

Supreme government of the State of Jalisco, section of the interior, number 1508.

With yesterday's date, the citizen Juan Riestra, notary public, in charge of the mortgage-office of this city, communicates to the secretaryship of this government the following:

"In the archives under my charge, of the suppressed especial land tribunal, there are no title-deeds of grants of lands mentioning their location in Arizona and New Mexico; but as Arizona is in the State of Sonora, and as formerly it was not probably known by that name, perhaps some of the title-teeds of grants to be found in these archives may be of lands within Arizona. For example, there are some title-deeds of lands situated in places named Aguacate, Palos, Blancos, Palomar, Tasajera, Techuri, el Potrero, San Juan Bautista de Vacoriete; and in these title-deeds it is stated that the lands are in the provinces of Sonora and Sinaloa; and it is generally in this way that the situation of the lands is referred to in the other title-deeds.

"I have the honor to answer your note dated the 18th instant, number two thousand seven hundred and ninety-eight, section of the interior, so that you may give an account to the citizen governor."

And I have the honor to transcribe it to you as the result, in part, of your said note, informing you that as soon as the tribunal of justice shall make the report, for which it was also asked, on the subject, it will be transcribed to your department.

Independence and liberty.

Guadalajara, May 21, 1874.

J. L. VALLARTA,
Citizen Minister of Foreign Affairs, Mexico

F. G. RIESTRA, *Secretary.*

[Inclosure B to No. 165.—Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, July 15, 1874.

SIR: I have the honor to inclose to your excellency a copy of a communication from the governor of the State of Jalisco, in which he transcribes to me the report given by the supreme tribunal of justice of the State, stating that there is no data in their archives relative to grants of lands in Arizona and New Mexico.

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And I say this to your excellency in answer to the note of your legation, and at the same time I reiterate to you the assurances of my esteem and high consideration.

J. M. LAFRAGUA.

His Excellency JOHN W. FOSTER,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

[Translation.]

Supreme government of the State of Jalisco, section of gobernacion, number 2039. A report of the tribunal of justice of the state is transcribed, about grants of lands in Arizona and New Mexico.

With yesterday's date, the keeper of the archives of this tribunal states the following:

The keeper of the archives says: "With the greatest minuteness I have looked for the references which I am asked for relative to grants of lands made in Arizona and New Mexico. I have read all the books with care, and nevertheless, my researches having been useless, and not having found the said data, I feel bound to give the present report. I have the honor to communicate it to you, and in answer to your note number 1493, dated on the 18th of last May."

And I have the honor to transcribe it to your department as the result of your said note. Independence and liberty.

Guadalajara, July 2, 1874.

T. L. VALLARTA,
Citizen Minister of Foreign Affairs, Mexico.

T. G. RIESTRA, *Secretary.*

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43D CONGRESS, 2d Session. | SENATE. | Ex. DOC. No. 4.

REPORT

OF

THE SECRETARY OF WAR,

IN RELATION TO

The provision made for the care of seventy-five transient paupers in the city of Washington, in accordance with the act of March 3, 1873.

DECEMBER 16, 1874.—Ordered to lie on the table and be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Congress having, by an act approved March 3, 1873, appropriated $15,000 "for care, support, and medical treatment of seventy-five transient paupers, medical and surgical patients, in some proper medical institution in the city of Washington, under a contract to be formed with such institution," and having designated the Secretary of War to give effect to the charity, I have the honor to report that on the first day of July, 1873, I made a contract with the Providence Hospital in this city, the terms of which were that the said hospital should at all times keep in readiness seventy-five beds, and receive, nurse, and treat medically and surgically such patients, up to the number of seventy-five, as may lawfully be sent to that hospital by authority of the Secretary of War, for which service the sum of $1,250 should be paid monthly.

The contract was carried out on the part of the Providence Hospital in a faithful and satisfactory manner, the average number of patients treated throughout the year being one hundred and eight.

The continuance of this appropriation is respectfully recommended on account of the large number of destitute strangers dependent upon it for relief in sickness.

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT,
December 10, 1874.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 5.

LETTER

FROM

THE SECRETARY OF WAR,

ACCOMPANYING

Copies of reports and recommendations of Generals Pope and Ord relative to the ravages of grasshoppers.

DECEMBER 21, 1874.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, December 21, 1874.

SIR: Referring to the bill introduced by the Hon. P. W. Hitchcock (S. 968) for the relief of persons suffering from the ravages of grasshoppers, I have the honor to transmit herewith copies of reports and recommendations of Generals Pope and Ord relative to this matter.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The PRESIDENT OF THE SENATE.

UNITED STATES SENATE CHAMBER,
Washington, December 15, 1874.

SIR: I have the honor to transmit herewith copy of a bill introduced by me for relief of grasshopper sufferers in the West. The bill has already had favorable action at the hands of the Senate Committee on Military Affairs, and would perhaps pass without opposition or question; but, to guard against danger of that kind, I have to request that you furnish me, as soon as practicable, copies of reports, communications, and recommendations upon the subject from General Ord and General Pope. It may be permitted to add that any favorable recommendation that you may see proper to make will be duly appreciated by

Your obedient servant,

P. W. HITCHCOCK.

Hon. W. W. BELKNAP,
Secretary of War.

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[First indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 17, 1874.

Official copy respectfully referred to the Commissary-General of Subsistence for early report.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL SUBSISTENCE,
Washington, December 17, 1874.

Respectfully returned to the Secretary of War, with the information that the records do not show the receipt of any communication from General Pope on this subject. The only communication from General Ord in reference to the within was returned to you November 4, 1874.

A. E. SHIRAS,
Commissary-General Subsistence.

UNITED STATES SENATE CHAMBER,
Washington, December 15, 1874.

SIR: I have the honor to transmit herewith copy of a bill introduced by me for relief of grasshopper sufferers in the West. The bill has already had favorable action at the hands of the Senate Committee on Military Affairs, and (would?) perhaps pass without opposition or question; but, to guard against danger of that kind, I have to request that you furnish me, *as soon as practicable*, copies of reports, communications, and recommendations upon the subject from General Ord and General Pope. It may be permitted, further, to add that any favorable recommendation you may see proper to make will be duly appreciated by

Your obedient servant,

P. W. HITCHCOCK.

Hon. W. W. BELKNAP,
Secretary of War.

[First indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 17, 1874.

Official copy respectfully referred to the Quartermaster-General for early report.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

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[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
December 18, 1874.

Respectfully returned to the Adjutant-General of the Army.

This Department has not been in receipt of any reports or correspondence from either Generals Pope or Ord, with the exception of a telegram from General Pope, copy of which is herewith inclosed.

Copy of Quartermaster-General's reply thereto, and a copy of dispatch to General Pope, dated the 20th instant, relative to distribution of clothing to the Kansas sufferers, are herewith submitted.

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, U. S. A.

[Telegram.]

WASHINGTON, *November* 21, 1874.

General J. POPE, *Fort Leavenworth, Kans.:*

The Secretary of War authorizes issue of condemned clothing to destitute of the articles named by you in your dispatch to Adjutant-General. We have great-coats, blankets, sack-coats, and bootees at Jeffersonville. Please make requisition on Colonel Ekin, and direct him to send to an officer to be named by you.

Colonel Ekin has been directed to send 1,000 condemned blankets at once. and to fill your requisition for such articles of condemned clothing as you ask for. We have no condemned under-clothing, but plenty of blouses and overcoats.

The Secretary directs that the distribution be through an officer to be detailed by you. It will be necessary to report these issues for sanction of Congress, as no law now provides for them. The Executive has authorized them, trusting to Congress for future approval.

M. C. MEIGS,
Quartermaster.

Official copy:

J. D. BINGHAM,
Quartermaster, United States Army.

[Telegram.]

DATED FORT LEAVENWORTH, KANS.,
November 22, 1874. (Received 8 p. m.)

To General M. C. MEIGS, *Quartermaster-General, Washington, D. C.:*

Am I to understand that this distribution of condemned clothing to destitute people of Kansas is to be made by an officer to each individual applicant, or to an authorized person or committee of the destitute counties?

JNO. POPE,
Brevet Major-General, U. S. A.

Official copy:

J. D. BINGHAM,
Quartermaster, U. S. A.

[Telegram.]

WASHINGTON, *November* 22, 1874.

General POPE, *Fort Leavenworth, Kans.:*

I understand that the distribution to destitute Kansans is to be through an officer to be detailed for that purpose by General Pope.

M. C. MEIGS,
Quartermaster-General.

Official copy:

J. D. BINGHAM,
Quartermaster, U. S. A.

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HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebr., October 27, 1874.

SIR: To-day several citizens have besought me to apply for authority to send rations to the famine-stricken families of Southern and Western Nebraska, showing letters and referring to statements of reliable men there, which report immediate supplies of food necessary, or quite a number of the poor at remote places will perish of hunger. I am satisfied, from the reports of General Brisbin, U. S. A., who visited some of the counties referred to, that there is need of food at once, or more cases of starvation will occur, principally because, with some food on hand, though not enough for all who require it, and no facilities to send it where it may be most needed, the aid societies cannot reach the most destitute cases. I therefore request authority to send, by reliable officers, to each of four of the most stricken counties two or three thousand rations of bread or flour and pork, with directions to issue it in limited quantities only, on orders of organized county committees, to those in danger of starvation; and also authority to use such Government transportation as can be spared to carry the supplies donated to such places where I hear from officers of the Army it is necessary to save life.

This communication is forwarded direct, as the Lieutenant-General commanding the division is absent from his headquarters.

I am, sir, very respectfully, your obedient servant,

E. O. C. ORD,
Brigadier-General.

ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.

Submitted October 31, 1874, to the Secretary of War, by whom referred to the Commissary-General of Subsistence for report.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL SUBSISTENCE,
Washington, November 4, 1874.

Respectfully returned to the honorable Secretary of War, with the remark that the appropriation for the subsistence of the Army for the current fiscal year is so far exhausted that it will be impracticable for the Subsistence Department to afford any relief to the destitute inhabitants of Nebraska.

A. E. SHIRAS,
Commissary-General Subsistence.

WAR DEPARTMENT,
November 5, 1874.

Respectfully returned to the Adjutant-General.

The Secretary of War concurs in the views of the Commissary-General.

H. T. CROSBY,
Chief Clerk.

Indorsements of Brigadier-General Ord and Lieutenant-General Sheridan on communication of November 10, 1874, from Maj. James S. Brisbin, Second Cavalry, furnishing copy of his report made to the secretary of the Omaha Aid Society, relative to the condition of the people in the "grasshopper region" of Nebraska.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebr., November 11, 1874.

Respectfully forwarded.

This report and the inclosed report of Major Dudley show that unless relieved soon many poor frontier people will certainly starve to death, while the Army store-houses within 100 miles are filled with provisions. Though the laws may prohibit the use of soldiers' rations for other purposes than that for which they are purchased, yet I do not believe that Congress would hesitate to approve any issue of supplies necessary to save lives of our own people, and recommend that authority to make such issues only be at once granted, until Congress can be applied to to provide for them.

The State Aid Socieiy is relieving a great many of the sufferers, but its means will be soon exhausted by the heavy and pressing demands upon them, and it cannot reach the most remote. The issue I ask for will be used with great caution. I also ask that the

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small amounts which Major Dudley reports that he gave to families without food, and in danger of starvation unless relieved, be approved, as also such issues as may have been made under verbal authority of the Secretary of War to department commander, not to let our people starve near military stations, be approved.

E. O. C. ORD,
Brigadier-General, Commanding.

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, November 14, 1874.

Respectfully forwarded to the Adjutant-General of the Army.

It is a little unwise to compromise the Government by the action of its military officers in regard to any general distribution of supplies to the people residing in the section devastated. Existing orders provide for relief of distressed persons in individual cases.

There may be a good deal of suffering in portions of Nebraska, but if the Government takes any advanced steps to relieve it, the suffering will be magnified a hundred times more than it really is.

While I recommend the approval of what has already been done, I would advise a good deal of caution to be exercised in any issues that may be made in the future.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

HEADQUARTERS FORT MCPHERSON, NEBR.,
November 6, 1874.

MAJOR: I have the honor to submit the following report of my tour through Red Willow, Frontier, Furnas, Gosper, and Harlan Counties, in the valleys of the Republican and the devastated sections adjacent, made in compliance with the wishes of the department commander, as conveyed to me in telegraphic dispatch dated the 27th ultimo.

I left Fort McPherson on the 29th of October, taking twenty-six enlisted men and one officer, Lieut. Bainbridge Reynolds, Third Cavalry, with me, and proceeded across the country south to the Medicine, where I encamped for the night; distance traveled, thirty miles. Early on the morning of the 30th I moved down the Medicine, across the divide, to Coon Creek, and camped; distance marched, 22 miles. October 31, proceeded to Indianola, the county-seat (so claimed) of Red Willow County, visiting on the way nearly every cabin or house that had the appearance of an absence of stock and supplies, getting, from a personal knowledge and conversation with the heads of families, their actual condition. Many of the houses I found abandoned. On this morning's march I discovered two families only, however, without at least ten or fifteen days' provisions. These two—one, Mr. Warner's, his wife, and four small children, had only some nine or ten pounds of flour, not a particle of any other breadstuff or meat in his house, and no means to buy with. The other, J. V. Ferguson, who was sick, has a wife and two children; he had only ten pounds of flour, remnant of a sack received from the aid society, and about two pounds of fresh pork, given him by a neighbor. With quivering lips and moistened eye he said he did not know where he was to obtain a further supply. Both of these families have most excellent claims; one owns a horse and the other a pair of oxen. To sell either is out of the question, as there is little or no money in the country, and then, as they stated, they would be without the means to haul fuel to their homes during the winter, and in the spring they would have no means of cultivating their crops. The balance of the settlers visited on the way to Indianola, I found, had some provisions for the time being, say from ten to thirty days' supply, by strict economy, which all seemed disposed to practice.

On arriving at Indianola, I sent twenty men of the detachment above the mouth of the Red Willow to form a temporary camp, with instructions to the sergeant in command to render all the assistance he could to the settlers, in case the buffalo returned within reasonable distance and they desired to hunt them. He had teams along for this purpose. Here I met Dr. Shaw and Maj. R. S. Creswell. These two gentlemen and Mr. John Eagan had been appointed a committee for the distribution of supplies sent for the relief of Red Willow County. The two former stated that they had canvassed the several precincts of the county and ascertained that five hundred and forty-four persons, including children, out of the total eight hundred inhabitants of the county, would require aid before the winter months were half out; that full three hundred would need assistance within twenty days, and that more than one hundred were at the present time either entirely without food or would be in less than five days. Some of the families have one or two cows, others a yoke of oxen or a horse. Many of

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them had worn down their animals in attempting to hunt buffalo, and they had no corn to recuperate them with. The few hogs and pigs I saw were mere skeletons, having had no grain, subsisting almost entirely on the wild roots they found in the bottoms.

All the aid this county had received up to this date was ninety sacks of flour and one barrel of beans, which was nearly exhausted. There was not two hundred bushels of corn raised the last year in the whole county, and not over one hundred bushels of potatoes, and these latter only half grown. Little or no wheat was planted in the county, as the settlers, as a rule, were too poor to buy the seed. There is no employment to be had, and no money or commodity to pay for it if it existed. During the fall they have had a fair supply of buffalo-meat; at present, buffalo have abandoned the county and gone to the forks and sources of the Republican, out of the reach of these poor people. This county is recently settled, and its inhabitants, no doubt, outside of the question of food, are poorer than those either in Harlan or Furnas Counties. The statements of Messrs. Shaw and Creswell were fully indorsed by some dozen or more of respectable-appearing citizens, whose careworn and anxious countenances indicated the truthfulness of their words. In addition, I visited the cabins of a score or more of the people of this section, and became convinced of the correctness of these reports by a personal examination of the stores they had on hand. From Indianola I rode to the mouth of the Medicine, and camped on its banks near the residence of Mr. Doyings. He seemed to be well off himself, and exhibited little interest in or knowledge of the condition of his neighbors. During the afternoon's ride I visited all the cabins I could conveniently reach, and found a great many of them on their last ten or fifteen pounds of flour received from the aid society. At Doyings's I met Mr. John Finch, who needed no aid for himself, but said he knew of several in his vicinity that must have aid at once or they would suffer. He cited the case of Mrs. McGowan, widow, on Deer Creek. Her husband was killed last spring; she has five young children; she is poor enough. On further investigation of this party, I found she was wholly destitute. I left her a sack of flour and thirty pounds of pork. Distance rode, about thirty-five miles.

November 1. Left camp just after sunrise; traveled across the country to Deer Creek to Burton's store. Mr. Burton is reputed to be a gentleman of unquestionable integrity. He said, "I do not like to believe anybody will starve in the valley, yet I do not know how they are to avoid it, unless they receive a greater assistance than any yet contemplated; some, no doubt, will go out of the country to avoid suffering; some have not the means to get out, and no place to go to if they leave. The State aid, or the assistance that is being given, is not being properly distributed; some are getting rations who are really large stock-owners; they are receiving the same amount as those who are suffering and nearly destitute. The rations for Furnas County are issued at Arapahoe; this section is one of the precincts of Furnas County." This statement of Mr. Burton's was corroborated by Mr. Allen, who had charge of the distribution under the direction of a committee recently appointed. This error is being corrected, I think, now. I have the names of some thirty families in the vicinity of Arapahoe, living on the small streams running back into the table-lands six, ten, and fifteen miles, who are at the present time suffering for the want of sufficient food, many of whom have no means of conveyance, and are without proper clothing, especially shoes. In case of a severe winter and deep snows, their suffering would be extreme, and no doubt result in starvation in many instances.

Not being able to visit the settlements on the Sappa and Beaver, I sent couriers to those sections, and invited some of the prominent citizens to meet me at Arapahoe on my return; they responded very promptly, some twenty coming. The meeting was called at Mr. Abee's store. Full sixty persons were present at this meeting. Statements and reports were made from nearly every precinct in the county. Mr. Abee stated that he had just received seventy bushels of potatoes; that he had distributed forty sacks of flour, half a barrel of beef, and some few other articles; that up to the present time the aid given to the people of Furnas County had been divided among the residents of the county, irrespective of the condition of the party, when they have asked for their share.

The supply furnished is all expended, except the potatoes just received.

There are about 1,300 people in Furnas County. It was positively stated that full one-fifth of this number will require full aid within thirty days, and that this number will go on increasing until spring, each month, until full three-fourths of the entire population will have to be supported.

Many instances of actual present suffering was stated, one of which I will mention as a sample of many: A young man by the name of Warren, who lives on Muddy Creek. He served through the war in the Union Army. He said his wife had a babe only ten days old; that he had four other children in the house; that they had not had anything to eat for nearly two days until that morning, when he got fifteen pounds of potatoes from the aid society. I gave him a sack of flour and a little pork. I took

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down the statements of most of the gentlemen; all agree to the main fact that suffering existed now; that it would increase, and unless other and more extended supplies were furnished than those now counted on, people must either leave or suffer the pangs of starvation.

On the night of the 1st I camped on Turkey Creek; distance rode, 28 miles.

November 2, I rode to Melrose, Harlan County, calling on many homesteaders on the route. A meeting of the leading men of Orleans and Melrose, with quite a number from adjacent precincts, was called in a building used as a court-room, and the several parties made statements as to the condition of the settlers in their vicinity, most of them offering to take me to the houses of their friends, so I could personally observe the truth of their assertions. A lad not over seventeen years of age stated that his father, mother, grandmother, and eight brothers and sisters—his father sick—were without food, and had been so during the day. I saw at this meeting and during my stay at Melrose full twenty heads of families who had not an excess of ten pounds of flour or any other kind of breadstuff, and who were wholly without meat. I have their names, but have not thought it best to report them, as I found a delicacy on the part of some to give the full history of their condition, for fear their names might be published. As near as I could approximate to the condition of the people of Harlan County, I should say that in Melrose precinct, which has 98 votes, that 35 families would require aid within thirty days.

Almo precinct has 54 votes; full thirty families.

Republican precinct, 76 votes; twenty-five families.

Prairie Dog precinct, 47 votes; about twenty families, and nearly wholly destitute now.

Beaver precinct, 39 votes; twenty families are reported as suffering to-day.

Sappa precinct, number of votes not known; eight families are suffering now.

Spring Creek precinct, only three or four families are suffering; these require aid at once.

Turkey Creek, about fifteen families are now living on their last thirty days' supply.

Each family will average four or five persons. To meet this demand, Mr. Hooper, merchant at Melrose, informed me that he had only seven sacks of flour, which had been sent by the Omaha Aid Society, with instructions to sell it on credit at $2.50 per hundred.

I remained at Melrose until the morning of the 3d of November, and then started on my return to Arapahoe, where I met a delegation of settlers living in Gasper County; Mr. G. H. Beck, an old soldier, who served in the Second Illinois Cavalry during the war. He had been appointed agent to receive and distribute the aid sent to this county. He stated that there were only about two hundred and fifty people in the county, and fully two hundred of this number will require aid, more or less, all winter; some families will have to be supported entirely, or starve; they have not the means of getting out of the county. Undoubtedly, they are badly off. I passed through the center of this unorganized county, and the poverty of its settlers was quite apparent to any one. They have received some assistance from the aid society; nine-tenths of it has been used up, and they do not know where their future supplies are to come from. This is the newest settled county visited.

I camped near Arapahoe on the night of the 3d; started across the divide at sunrise on the morning of the 4th, following up Muddy Creek to Plum Creek, on the Platte; distance, 38 miles. I left my horses and ambulance on the south side of the Platte, with instructions to return to the post. I took the cars at midnight, and reached the garrison at 7.30 a. m., morning of the 5th instant.

If it is proposed to render aid to these frontier counties through the Army, I would recommend that an officer be sent with the stores to be distributed, and that he make the issues direct to the parties to be helped; this can be accomplished by sending a loaded train to the county-seats and principal central points of the various precincts; reliable parties who know the condition of their neighbors that are not asking aid for themselves can furnish certificates of need to those actually destitute and requiring partial assistance, who will, as a rule, be required to present them to the issuing officer in person. This plan met the cordial indorsement of all with whom I conversed, except a few who were anxious to be appointed on committees.

FRONTIER COUNTY.

The supplies for the few settlers that need aid in the northern parts of Frontier County can be obtained from the post at Fort McPherson. Those intended for Spring and Deer Creek and Upper Medicine should be sent to Indianola.

RED WILLOW COUNTY.

Indianola is the most central point for the settlers of Red Willow County to reach, and is the proper place to distribute from for that county.

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FURNAS COUNTY.

Arapahoe, Burton's Bend, mouth Deer Creek, and New Era, are all central points, and easy to reach from Plum Creek Station, Union Pacific Railroad. The stores intended for the settlers on Sappa and Beaver Creeks should be sent to Beaver City. There is much severe suffering up these streams at the present time.

GASPER COUNTY.

Aid for the few settlers of this recently settled-up county could be distributed in going down the Muddy or from Arapahoe.

HARLAN COUNTY.

Melrose, Republican City, and Orleans are the most favorable points to reach the destitute families of Harlan County. The supplies should be shipped by rail to Lowell, and thence hauled by teams, which the people will furnish, to the points named. I have endeavored in this hasty report to give the Department commander as correct an idea of the actual condition of these people as I possibly could under the circumstances I had to gather the facts.

Great suffering exists in all five of these extreme frontier counties to a fearful extent. The settlers are, in most instances, scattered over a large extent of country; a large portion of them living far up the numerous streams flowing into the Republican. If the winter should be as severe as that of seventy and seventy-one, and as deep snows fall, beyond a doubt hundreds will starve unless a supply of provisions sufficient to last them through the winter is thrown into the valley and they are provisioned for an emergency of this character, for it would be out of the question for any aid society, or the Government even, to reach anything like a majority of them in deep snows.

I was very materially aided in my investigations on the trip by Lieutenant Reynolds, who accompanied me, and did all in his power to forward the object of our visit.

I am, respectfully, your obedient servant,

N. A. M. DUDLEY,
Major Third Cavalry, Brevet Colonel, U. S. A., Commanding Post.

Maj. GEORGE D. RUGGLES,
Assistant Adjutant-General, Department of the Platte.

[Telegrams.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., November 20, 1874.

To General E. D. TOWNSEND, *Adjutant-General, Washington, D. C.:*

Referring to your dispatch of 16th, I have to report that there are in Kansas, as far as can be ascertained, two thousand four hundred and fifty-five destitute persons, who need immediate relief. Of articles of clothing, they should be furnished with blankets, woolen shirts, overcoats, shoes, socks, and a few suits of men's clothing. It will be best to send these things to Governor Osborne, at Topeka, Kans., a central place, for distribution, for issue to the above number of people and others from the most western counties. The counties containing the number of destitute above given are Norton, Phillips, Smith, Jewell, Osborne, Rooks, Lincoln, Burton, Ford, Harvey, Russell, Pawnee, Rice.

JOHN POPE,
Brevet Major-General, Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., November 21, 1874.

General E. D. TOWNSEND,
Adjutant-General, United States Army, Washington, D. C.:

The following dispatch has just been received from General Ord:

"There are five hundred and eighty-nine knit shirts here, condemned as unfit for issue and under orders for sale. They will probably bring twenty-five cents each. Can they be issued to grasshopper sufferers gratis? Lieutenant-Colonel Grover is out to report amount of, and places where, clothing is needed, in accordance with instructions

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from the Adjutant-General. It will be about seven hundred each of wool shirts, stockings, blankets, and shoes, and four hundred each of overcoats and trousers, in Nebraska, exclusive of women and children s needs. Details when he reports.

"E. O. C. ORD,
"*Brigadier-General.*"

I am not sufficiently familiar with this subject to make any recommendations, and send it for your action.

P. H. SHERIDAN,
Lieutenant-General.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 19, 1874.

Official copies:

E. D. TOWNSEND,
Adjutant-General.

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LETTER

FROM

THE SECRETARY OF WAR,

COMMUNICATING

A report of General E. O. C. Ord, in relation to the sufferers from the grasshopper plague.

JANUARY 6, 1875.—Ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington City, January 4, 1875.

SIR: Referring to my letter to the President of the Senate, of December 21 last, transmitting copies of reports, &c., relative to sufferers from the grasshopper plague, I have the honor to inclose for consideration, in connection therewith, letter of the 19th ultimo, from General E. O. C. Ord, chairman Nebraska State Relief and Aid Society, relative to the necessity for the passage of Senate bill 968.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The PRESIDENT PRO TEM. OF THE SENATE.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, December 19, 1874.

SIR: I am in the receipt of a letter from the Hon. P. W. Hitchcock, United States Senator, inclosing a bill for the relief of the frontier settlers whose crops were all destroyed by the grasshoppers, with a request that I would communicate my view as to its necessity.

I think some such bill is very much needed. I am chairman of the executive committee of the Nebraska State Relief and Aid Society, which committee is now issuing to about 9,000 destitute, only enough breadstuffs to keep them alive—this at a cost of $12,000 per month, and it is not probable money at this rate will continue to be received by the committee.

The donations of clothing are arriving, which will cover the naked, but not keep them warm, for two or three months longer.

There is a considerable amount of damaged and unserviceable clothing on hand in this depot, which I am authorized by you to issue, and with about 5,000 more of the old condemned blankets, and 2,500 more great coats, and about 5,000 pairs socks, the immediate necessities for clothing the very destitute men would be supplied in this State. Large numbers of these people would last summer doubtless have left the coun-

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try for the East, where many have friends, who could have helped them, or where they could have found work for the winter, but I am informed that parties interested, perhaps, in their stay, gave them to understand that if they would remain they would be provided for.

Careful inspections by reliable officers of my command into the absolute wants of the people in Nebraska, whose crops were destroyed, confirm the above estimates, that about nine thousand must be supplied with food in this State till they can make a crop, for there is neither work nor food for them where they now are, except it is sent them, and those with families cannot get away in the winter.

I am, sir, very respectfully, your obedient servant,

E. O. C. ORD,
Brigadier-General.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.

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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 6.

LETTER

FROM

THE SECRETARY OF WAR,

RECOMMENDING

An appropriation for the purchase of land required for the improvement of the Fox and Wisconsin Rivers.

JANUARY 6, 1875.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *January* 4, 1875.

The Secretary of War has the honor to transmit to the United States Senate, for the information of the Committee on Commerce, communication from the Chief of Engineers, of the 29th ultimo, inclosing copy of a letter from Maj. D. C. Houston, dated December 23, 1874.

Concurring in the views therein expressed, such legislation as is necessary to obtain title to lands required for improvement of Fox and Wisconsin Rivers is respectfully recommended.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., December 29, 1874.

SIR: The inclosed copy of a letter, dated December 22, just received at this Office from Maj. D. C. Houston, Corps of Engineers, suggesting certain legislation in regard to obtaining title to lands required for the improvement of the Fox and Wisconsin Rivers, is respectfully submitted for consideration, and with the recommendation that it be sent to the Committee on Commerce of the Senate and House of Representatives.

The difficulties and delay in obtaining the necessary titles to land on the improvement of the rivers referred to were experienced in the prosecution of the improvement of the Des Moines Rapids, and it is suggested that a similar law be passed to cover the case of the former work, or, as Major Houston suggests, that the provisions of the act of July 20, 1868, entitled "An act to aid the improvement of the Des Moines and Rock Island Rapids, in the Mississippi River," (Statutes at Large, vol. 15, page 124, chap. 184,) be extended to meet the case of the Fox and Wisconsin Rivers improvement.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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UNITED STATES ENGINEER OFFICE,
Chicago, Ill., December 22, 1874.

GENERAL: Owing to the delays which occur under existing laws in regard to obtaining the title to land required for right of way, and for other purposes, on the improvement of the Fox and Wisconsin Rivers, Wisconsin, which delays will seriously embarrass the operations of improvement next season as they have in the past, I would respectfully request that such additional legislation as may be necessary to obviate this difficulty be called for. I find that the operations on the Des Moines Rapids improvement were embarrassed in a similar manner, and that the difficulty was remedied by the passage of an act of Congress, dated July 20, 1868, (page 8, circular of the Office of the Chief of Engineers, dated January 26, 1874.)

If the provisions of this act were extended to the improvement of the Fox and Wisconsin Rivers, the difficulty would be obviated.

I am, general, very respectfully, your obedient servant,

D. C. HOUSTON,
Major of Engineers, United States Army.

Brig. Gen. A. A HUMPHREYS,
Chief of Engineers, United States Army, Washington, D. C.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 7.

LETTER

FROM

THE SECRETARY OF WAR,

RECOMMENDING

An appropriation for the employment of two draughtsmen in the Office of the Quartermaster-General.

JANUARY 6, 1875.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT, *January* 2, 1875.

The Secretary of War has the honor to transmit to the United States Senate letter of the Quartermaster-General of the Army, dated the 21st ultimo, recommending the repeal of the clause in the act of June 20, 1874, so far as it prevents the employment of necessary draughtsmen in his Office, or that a special appropriation be made for the hire of two draughtsmen.

Concurring in the views expressed in the inclosed letter, it is respectfully recommended that provision be made for the employment of such draughtsmen as may be absolutely necessary in the Office of the Quartermaster-General.

WM. W. BELKNAP,
Secretary of War.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., December 21, 1874.

SIR: I recommend that the attention of Congress be called to the effect of the law of June 20, 1874, forbidding the retention, detail, or employment in any branch of the War Department in the city of Washington, of any persons other than those named in the legislative, executive, and judicial appropriation act, except in the Signal Office and the Engineer Corps, and except such commissioned officers as the Secretary of War may, from time to time, assign to special duties.

Before the law passed several draughtsmen were constantly employed in this Office, paid, not from the appropriation for clerks of the Quartermaster-General's Office, but from the general appropriations for service of the Quartermaster's Department.

This Department has charge of all the military reserves, on which are constructed the inland military posts, and many of those on the seaboard not permanently fortified.

It has charge of the repair and preservation of about 5,000 buildings

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It has charge of the construction, maintenance, and repair of the national military cemeteries in which are buried the dead of the late war.

Original designs for new structures and for contemplated repairs are constantly required, and copies of maps and plans and designs on file are frequently required in connection with the protection of the rights of the United States, and the repair and construction of military posts and buildings.

The law as it now stands forbids the Quartermaster-General to employ under his own personal supervision the draughtsmen necessary to do this work, and, as it is indispensable, he is compelled to have the work done elsewhere and in a less satisfactory and economical manner.

It is not believed that this consequence of the law was foreseen or intended by Congress. Great inconvenience has already resulted from it.

I recommend, therefore, that Congress be asked to provide either for the repeal of this clause, so far as it prevents the employment of necessary draughtsmen in the Quartermaster-General's Office, to be paid out of the ordinary appropriations of the Quartermaster's Department applicable to such service, or that a special appropriation be granted in accordance with the inclosed extract from page 29 of the printed Treasury Book of Estimates.

If the former course is preferred, the inclosed draught of an amendment to the Army appropriation bill, if adopted, provides the remedy.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, United States Army.

To the Hon. SECRETARY OF WAR.

Extract from Book of Estimates.

NOTE.—The Quartermaster-General, having the expenditure of several hundred thousand dollars annually, in connection with buildings, new and old, and the charge of plans and records of military reservations and cantonments, needs in his Office the services of draughtsmen, all of whom, under act of June 20, 1874, he was compelled to discharge.

He therefore submits an estimate for the hire of two draughtsmen in his Office, and recommends that the law be so amended as to provide for and authorize their employment. He is now obliged, when a plan or copy of a drawing on file is called for, to send it out of the Office to be made.

Provided, That the Quartermaster-General may employ in his Office such draughtsmen as may be absolutely necessary to aid him in the duties of his Office by making and copying drawings and plans, to be paid reasonable wages out of the ordinary appropriations for support of the Quartermaster's Department.

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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 8.

LETTER

FROM

THE SECRETARY OF WAR,

RECOMMENDING

An amendment to the legislative, executive, and judicial appropriation bill to authorize the retention of thirteen enlisted men in the Ordnance Bureau.

JANUARY 6, 1875.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *December* 18, 1874.

The Secretary of War has the honor to transmit to the United States Senate a communication from the Chief of Ordnance, dated the 17th instant.

Concurring in the views of the Chief of Ordnance, it is recommended that the legislative, executive, and judicial appropriation bill be so amended as to authorize the employment of thirteen (13) enlisted men in the Ordnance Bureau.

WM. W. BELKNAP,
Secretary of War.

ORDNANCE-OFFICE, WAR DEPARTMENT,
Washington, December 17, 1874.

SIR: In the legislative bill now before the House of Representatives, the clerical force for this Bureau is limited to clerks, and messenger, and laborer, provided for in the appropriation bill of last session, and omits the authority for the employment of a few (13) enlisted men, of the Ordnance Department, to assist in the performance of the important and imperative duties of this Bureau.

I have the honor to recommend that Congress be asked to introduce this provision in the bill, as without it this Bureau will be trammeled for the want of the necessary labor to properly perform its duties.

Respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Hon. the SECRETARY OF WAR.

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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 9.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A communication from Major-General J. M. Schofield, respecting the repeal of the law which forbids promotion in the staff of the Army.

JANUARY 6, 1875.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *December* 29, 1874.

The Secretary of War has the honor to transmit herewith to the United States Senate a communication from Major-General J. M. Schofield, respecting the repeal of the law which forbids promotion in the staff of the Army.

The President, in his annual message of this year, recommends to Congress the passage of an act to repeal the law in question; and as it is understood that bills have already been introduced in Congress, opening appointments and promotions in the Adjutant-General's and Pay Departments, I recommend that a general measure be passed on the subject, which shall include also the Quartermaster's Department.

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., December 11, 1874.

SIR: I beg your favorable consideration of the question of inviting the attention of Congress to the effect of the act, now in operation nearly five years, forbidding promotion in the staff of the Army. This act, stopping advancement in rank, has been repealed in five corps, yet still bears upon three, the Adjutant-General's, the Paymaster's, and the Quartermaster's, directly affecting at this time twelve officers, three in the Adjutant-General's Department, two in the Pay Department, and seven in the Quartermaster's Department. The act as it stands to-day has been reduced, you will observe, to nearly a personal measure.

I therefore solicit, Mr. Secretary, your intervention in behalf of the officers concerned, and of their corps, and the military service in general, by recommending to Congress the repeal of an act which stops the advancement by promotion of officers who are, in consideration of their long and useful public services and excellent character, entitled to the reward the country holds out to military men, and which the few whose advancement has been so long stopped eminently deserve.

I beg to suggest, the question of re-organizing the corps is quite dif-

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ferent from, and should properly be considered independent of the question of promotion. When Congress decides there are too many officers in any grade of a corps, and limits the number, the question of promotion in that corps is no longer an open one. But in the corps referred to the number of officers now is and for years has been below the organization allowed by law; nevertheless, the law of promotion is in force and exists, except for those who are entitled to its benefits in those corps.

Pray, Mr. Secretary, use your influence to have repealed that provision of a law which for a long time has borne hardly upon some very talented and meritorious officers—the question of re-organizing the corps being left for the after-consideration of Congress.

Very respectfully, your obediant servant,

J. M. SCHOFIELD,
Major-General.

To the Hon. SECRETARY OF WAR,
Washington, D. C.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 10.

LETTER

FROM

THE SECRETARY OF WAR,

COMMUNICATING,

In obedience to law, a statement exhibiting the expenditures at the Springfield Armory, and its operations, during the year ending June 30, 1874.

JANUARY 8, 1875.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *January* 7, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in compliance with the act of April 2, 1794, a statement exhibiting the expenditures at the Springfield Armory, and the arms, components of arms, and appendages fabricated, altered, and repaired thereat, during the fiscal year ending June 30, 1874.

WM. W. BELKNAP,
Secretary of War.

Statement of expenditures at the Springfield Armory, and of the arms, components of arms, and appendages fabricated, altered, and repaired thereat, during the year ended June 30, 1874, in pursuance of an act of Congress approved April 2, 1794.

EXPENDITURES.

Appropriations:	
Ordnance-service	$4,747 68
Ordnance, ordnance-stores, &c	6,491 75
Tests of heavy rifled ordnance	46,672 09
Springfield Armory	22,863 66
National armories	237,273 33
Arming and equipping the militia	250,286 16
Allowance for reduction of wages under eight-hour law	586 94
	568,921 61

MANUFACTURED ARMS.

18,010 Springfield rifles, caliber .45.
10,020 Springfield carbines, caliber .45.
6 Springfield sporting-rifles.
500 Springfield breech-loading muskets, caliber .50, model 1870, with Metcalfe's detachable cartridge-holder.
1 breech-loading shot-gun.
25 cadet swords.

APPENDAGES FOR SMALL-ARMS.

1,000 wiping-rods, altered, Springfield carbine.
19,860 screw-drivers, altered, model 1870.

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AMMUNITION FOR SMALL-ARMS.

2,793 cartridge-blocks, Metcalfe's.
500 rifle ball-cartridges, caliber .45.

SPARE PARTS OF SPRINGFIELD BREECH-LOADING MUSKET, CALIBER .50, MODEL 1868.

2,406 upper bands.
116 receivers.
1,000 rear-sight leaf-screws.
264 butt-plates.
8 locks.
124 bayonets.
237 breech-blocks.
100 front sights.
378 firing-pins.
3,317 firing-pin screws.
752 lower bands.
511 guards.

SPARE PARTS OF SHARPS' CARBINE, RIFLE AND MUSKET.

25 front-sight studs.
25 front-sight pins.

SPARE PARTS OF SPRINGFIELD RIFLE, CALIBER .45.

222 ramrod-stops.
1,460 band-springs.
2 rear-sight base-screws.
2 rear-sights.
1 upper band.
104 upper-band swivels.
1 lower band.
183 lock-plates.
10,788 mainsprings.
1,216 mainspring swivels.
1,316 mainspring swivel-rivets.
1,077 hammers.
5,000 tumbler-screws.
5,238 sear-springs.
1 lock.
2,710 bayonets.
3 barrels.
100 front sights.
1 breech-screw.
112 receivers.
36 breech-blocks.
5,000 breech-block cap-screws.
1,000 hinge-pins.
9,000 cam-latch springs.
4,200 firing-pins.
7,000 firing-pin screws.
10,000 firing-pin springs.
2,000 extractors.
8.500 ejector-springs.
1,500 ejector-spring spindles.

SPARE PARTS OF SPRINGFIELD CARBINE, CALIBER .45.

1 stock.
283 barrels.

SPARE PARTS OF SPRINGFIELD BREECH-LOADING MUSKET, CALIBER .50, MODEL 1870.

970 stocks.
60 lower bands.

MISCELLANEOUS PARTS.

10,988 bayonet-scabbards, steel.
602 firing-pins, Remington navy-rifle.
468 lower bands, Remington locking-rifle.
6 upper bands, caliber .45, model 1874.
20 bayonet-sockets, for bayonet-fencing.

FOR REPAIRS OF MUSKETS AND RIFLES.

168 receivers.
80 bayonets.
1,966 band-springs.
319 butt-plates.
264 triggers.
68 rear-sight bases.
136 rear-sight leaves.
75 rear-sight slides.
1,573 upper bands.
25 upper-band swivels.
27 lower bands.
153 lock-plates.
1,000 mainsprings.
35 hammers.
800 tumbler-screws.
213 sears.
486 side-screw washers.
173 bayonets.
198 barrels.
17 breech-blocks.
192 ramrods.

FOR REPAIRS OF CARBINES.

27 guard-bows.
257 guards.
231 rear-sights.
68 barrels.
545 swivel-rings.

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ARMS REPAIRED, ETC.

2,198 Spencer carbines repaired and fitted with Stabler attachment.
104 Sharpe' carbines, repaired.
1,000 pairs of rough spurs polished.
64 light-cavalry sabers, nickel-plated.
34,292 muskets, carbines, and rifles oiled and packed.
9,120 steel-bayonet scabbards oiled and packed.

MISCELLANEOUS.

701 arm-chests, Springfield rifle, caliber .45.
502 arm-chests, Springfield carbine, caliber .45.
49 arm-chests, Gatling gun, caliber .45.
275 boxes, packing, wood.
265 boxes, packing, tin.
25 cases for sample arms.
1 dry press, complete.
3 stands for experimental firing.
2 barometer-tubes.
3 pressure plugs, Metcalfe's.
600 descriptions and rules for fitting infantry equipments.
2 velocimeters.
2 targets.
3 disjunctors.
5 screw-driver clamp for rear-s'ghts.
2 screw-drivers.
9 stamps, figures.
1 box, tin, hinged.
1 spatula.
3 drills, assorted.
1 reamer.
1 mill, armorer's.
2 taps, metal, screw.
1 wrench.
2 set-screws.
1 mandrel, boring.
Hitchcock breech-loading cannon in process of construction.

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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 11.

LETTER

FROM

THE SECRETARY OF WAR,

SUBMITTING

An estimate of funds required for the military prison at Fort Leavenworth, Kans., for the year ending June 30, 1876.

JANUARY 8, 1875.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, January 6, 1875.

SIR: I have the honor to submit, herewith, a special estimate of funds required for the military prison at Fort Leavenworth, Kans., for the year ending June 30, 1876.

The expenses sought to be provided for in this estimate are those necessarily attending the organization of the institution, and the preparation for making it in succeeding years nearly, if not quite, self-sustaining, which it is believed it will soon become.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary.

The PRESIDENT OF THE SENATE,
Washington, D. C.

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Estimate of special appropriations required for the service of the fiscal year ending June 30, 1876, by the War Department.

Detailed objects of expenditure and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.
SUPPORT OF THE MILITARY PRISON AT FORT LEAVENWORTH, KANS.		
Clothing allowance at $30 per annum, per man, (200 men)		$6,000
Bunks, bedding, &c		1,000
Subsistence allowance, 20 cents per diem per man		14,600
Medicines		500
Mess and kitchen furniture, viz:		
Stoves or ranges	$175	
Table furniture	125	
Lamps, buckets, brooms, soap, &c	100	
		400
Fuel		1,000
Mechanics' tools, &c., viz:		
Carpenters and joiners' and cabinet-makers'	700	
Wheelwrights'	600	
Forges, anvils, and blacksmiths' tools	600	
Outfit for shoe-shop	500	
Bench-tools for twenty-five benches	625	
Barrows, picks, shovels, stone-hammers, trowels, hoes, &c., for use in quarry and in building.	175	
Miscellaneous	500	
		3,700
Materials and sundries		8,000
Three or four skilled mechanics as teachers		3,000
Total		38,200

NOTE.—This estimate is for clothing, subsistence, &c., of about two hundred convicts, and tools and material for their employment, for the fiscal year ending June 30, 1876. It is believed that for succeeding years the profit accruing from the sale of manufactured articles, the product of the convict-labor, will very materially aid in providing for current expenses of the prison.

WM. W. BELKNAP,
Secretary.

WAR DEPARTMENT, *January* 6, 1874.

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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 12.

LETTER

OF

THE ATTORNEY-GENERAL,

COMMUNICATING,

In compliance with a resolution of the Senate of January 8, 1875, information in relation to the massacre at Trenton, West Tennessee.

JANUARY 12, 1875.—Ordered to lie on the table and be printed.

DEPARTMENT OF JUSTICE,
Washington, January 11, 1875.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate, adopted on the 8th instant, to wit:

Resolved, That the Attorney-General be requested, if not incompatible with the public interests, to furnish the Senate with a copy of the report of the United States district-attorney for the district of West Tennessee, relating to the late massacre at Trenton, in the State of Tennessee, together with all information in his Department relating to the arrest and trial of the alleged offenders in said transaction by the Federal court in and for West Tennessee, or the State courts of said State, and also all correspondence which may have occurred between the executive department of the State of Tennessee and the General Government upon the same subject.

In compliance with said resolution, I now inclose copies of all communications on the files of this Department pertaining to the subject-matter thereof.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

Hon. HENRY WILSON,
Vice-President of the United States and President of the Senate.

DEPARTMENT OF JUSTICE,
Washington, October 10, 1874.

SIR: Referring to your dispatch to the President of the 18th ultimo, asking him to order, in respect to the Gibson County outrage, that no further arrests be made by the marshal, and that the parties already in his custody be turned over to the proper local tribunals for trial, and to the President's answer thereto, in which he stated that your telegram

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had been referred to the United States district attorney for the western district of Tennessee for information, and that when such report was received a more definite answer would be made to your request, I now have the honor to inclose herewith a copy of that report, detailing the circumstances under which the action of the Federal authorities was taken in that case.

No reasonable doubts can exist as to the jurisdiction of the courts of the United States upon the facts as stated by the district attorney, nor can there be any doubt that it is as much the duty of the President to enforce the so-called enforcement acts as any of the acts of Congress. To admit that persons charged and arrested for a criminal violation of the law of the United States ought to be turned over for trial to the tribunals of the State in which the crimes are committed, upon a demand of the executive thereof, because such persons may also be chargeable, upon the same state of facts, with a violation of State law, would be, as it seems to me, to surrender a power essential to the existence of the national authority, and introduce a practice that would tend more to retard than to promote the administration of justice.

Touching your statement that the parties may be punished under the laws of the State, and therefore that criminal proceedings in the United States court ought to be discontinued, I beg to cite, as a sufficient comment thereon, what Mr. Justice Grier says in delivering the opinion of the Supreme Court of the United States in the case of Moore *vs.* The People of the State of Illinois, (14 How., 20,) as follows:

> Every citizen of the United States is also a citizen of a State or Territory. He may be said to owe allegiance to two sovereigns, and may be liable to punishment for an infraction of the laws of either. The same act may be an offense or transgression of the laws of both. Thus, an assault upon the marshal of the United States, and hindering him in the execution of legal process, is a high offense against the United States, for which the perpetrator is liable to punishment; and the same act may be also a gross breach of the peace of the State, a riot, assault, or a murder, and subject the same person to a punishment, under the State laws, for a misdemeanor or felony. That either or both may (if they see fit) punish such an offender cannot be doubted.

I know of no reason to suppose that the parties arrested will not be fairly tried in the United States court, and, if innocent, acquitted; but, if found guilty, I am sure no one will object to their proper punishment because they were not convicted in a State court.

While, if consistent with his official duty, the President would be pleased to accede to your wishes, he does not feel at liberty to interfere with the judicial proceedings referred to, and they will, therefore, be allowed to proceed in the usual way to a final determination in the courts of the United States.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

Hon. JOHN C. BROWN,
Governor, Nashville, Tenn.

UNITED STATES ATTORNEY'S OFFICE,
DISTRICT OF WEST TENNESSEE,
No. 450 Main street, Waldron Block, Room No. 14,
Memphis, Tenn., October 2, 1874.

SIR: Your communication of the 21st ultimo, inclosing copy of telegram from Governor John C. Brown to the President, relative to the prosecution of certain cases for violations of law, has been received, and would have been earlier answered but for my duties in court.

In reply, I have the honor to say that from affidavits now on file in

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my office the following facts appear: Since the election on the 6th of August last, bands of men, armed and in disguise, and known as the Ku-Klux Klan, have been riding through certain portions of Gibson County, in this district, almost every night, committing outrages upon the colored people, in some instances whipping them and in others threatening to kill them; and on Saturday night, August 16, a number of colored people were shot at, on their return home from church, by certain of these masked men. An old negro named Joshua was severely whipped, and at the time was told by the Ku-Klux that they should again visit him on Saturday night, August 22. Thereupon, on that night, several of his colored neighbors started to go and assist the old man in defending himself, and on the way thither were met by a party of men, armed, mounted, and in disguise, who first fired upon them, they returning the fire, and either killing or wounding a mule, whereupon both parties fled.

This is, as I suppose, "the conspiracy to take the lives of the white citizens of the neighborhood," for which "sixteen negroes were committed to the jail of Gibson County in this State," referred to in Governor Brown's telegram. The next day, Sunday, the State authorities commenced arresting the black men in the vicinity, almost indiscriminately, taking, among others, two colored preachers out of their churches. The prisoners so arrested were confined and guarded to await their preliminary trial the next day. During that night some of these prisoners were taken out of the building in which they were confined, by some of the guard, and by means of threats, and in one instance by hanging the prisoner to a tree, confessions were extorted from them, which confessions, so obtained, were used as testimony against them in their examination before the committing court.

During Monday and Tuesday, August 24 and 25, sixteen black men were committed to the jail of the county; fourteen as criminals, the other two as witnesses against them. They were conducted on foot to the jail, a distance of eleven miles, bound together with trace-chains about their necks secured by padlocks, twelve being committed on Monday and four on Tuesday, while the sheriff's posse who conveyed them thither were mounted. On their way to the jail, on Monday, two attempts were made by armed men in disguise to obtain possession of these colored prisoners, twelve in number, but the attempts were unsuccessful. Fourteen of the prisoners were confined together in a small cell in the jail, two being left in the hall of the jail. On Tuesday night, August 25, a band of masked men, armed, and generally mounted, variously estimated to number from seventy-five to one hundred and fifty, surrounded the jail, forcibly entered it, took out those sixteen colored prisoners, tied them together with ropes, marched them a few hundred yards distant to a bridge crossing a small river, and commenced shooting them indiscriminately, then and there killing four and wounding others, one of whom has since died of his wounds, and some are known to have escaped.

As soon as these facts were properly brought to my attention by those who could testify positively in the matter, on the requisite affidavits being made, I caused United States commissioner's warrants to issue to the marshal of this district for the apprehension of such of the parties as I believed to be guilty from the testimony then in my possession, as provided in the acts of Congress passed, respectively, May 31, A. D. 1870, and April 20, A. D. 1871, upon which several of the parties so charged fled the country, and nine were arrested on the charge of violating certain sections of said acts of Congress.

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These nine prisoners were allowed bail. A full examination, of two days' duration, was had before the commissioner; many witnesses were examined; three able attorneys appeared in their defense; and no effort was spared to make the examination full, fair, and complete. Three of those charged by the warrants were released by the commissioner, and six of them were held under bonds to await the action of the grand jury. Our court convened on the 21st ultimo, since which time these matters have been diligently inquired into by the grand jury of this district, and sixteen men have been indicted already, and others probably will be as soon as the testimony can be adduced. I have great difficulty in securing proof against the parties engaged in this transaction, and in some instances witnesses do not obey the process of the court, and I am obliged to have writs of attachment issued in order to secure their attendance. Such, in brief, are the facts as shown in the manner above stated, and the testimony before the grand jury does not, in any material points, contradict them, and the above are, in a few words, "the steps * * taken for the prosecution of the parties charged with the outrage committed in Gibson County."

As to "what necessity, if any, there is * * for proceedings on the part of the United States to punish the offenders in that case," I have respectfully to submit that the crime committed was an open and palpable violation of the acts of Congress above referred to, attended with circumstances of the most revolting and aggravating character, and if any crime has been committed in this district since my appointment as prosecuting officer thereof which emphatically calls for action on the part of the United States, this is par excellence that crime.

I should consider myself grossly derelict in the performance of my official duties had I taken no steps for the vindication of the laws thus grossly outraged. Besides, I received from your office a letter or circular of date September 3d, ultimo, "issued by the authority of the President, and with the concurrence of the Secretary of War," signed by yourself and directed to me, officially directing me, in view of such circumstances as are detailed in this communication, "to proceed with all possible energy and dispatch to detect, expose, arrest, and punish the perpetrators" of such crimes, and my action in these matters seems to me to be fully warranted by the express directions contained in said letter or circular.

If, however, your communication is intended to inquire what necessity, if any, there is in my judgment for commencing these prosecutions on the part of the United States in view of the fact that some of the parties supposed to be guilty had been indicted in the State court, I have to say that I am reliably informed that only a small number of those indicted in this court are indicted in the State court at all, for this offense; and even if they all were, as I understand the law, while the State court undoubtedly has jurisdiction of crimes such as these committed against the dignity of the State, so have the Federal courts of like crimes committed against the peace and dignity of the United States; yet I conceive the offenses to be distinct, being violations of separate and distinct laws, each complete in itself, and the punishment of a violation of one of such laws does not vindicate an outrage upon the other. There are numerous instances in which the single act committed may be a violation of State and Federal statutes in this manner, in which a prosecution of the one offense is no bar to the prosecution of the other.

As to the prosecution of the parties in the State courts, I am reliably informed that the forty-one men supposed to be guilty are there indicted, not for murder, but under the section of the code of the State cited in

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Governor Brown's telegram to the President. These men also are all indicted in the State court in a joint indictment. Section 4014 of the State code provides that, "in the trial of all criminal prosecutions above the grade of petit larceny, the State is entitled to ten peremptory challenges, and the defendant, if the charge is of felony punishable with death, to thirty-five challenges, and in all other cases to twenty-four." The decisions of the supreme court of the State go to this extent, that where "a conviction might affect the life" of the defendant, he is entitled to the thirty-five challenges. (State *vs.* Humphries, 1 Tenn., 306; Hooper *vs.* State, 5 Yerger, 422.) And where several defendants are jointly tried, each of them is entitled to the number of peremptory challenges allowed by law, as though he were tried separately, and although his co-defendants should pass the juror challenged. (Hill *vs.* State, 2 Yerger, 246; Blackburn *vs.* Hays, 4 Cold., 227; Allen *vs.* State, 7 *id.*, 357.)

This, then, gives those defendants in the State court each thirty-five peremptory challenges under the law, amounting in all to one thousand four hundred and thirty-five, beside the numerous challenges for cause. There is, moreover, no law of the State compelling those defendants to sever upon their trial, nor by which the State can change the venue without the consent of the defendants. It will be perceived how very difficult, if not impossible, it will be to ever bring those defendants to a trial upon the indictment found in the State court. But the same objection does not apply to a trial of the guilty parties in the Federal court of this district, as the peremptory challenges therein are but twenty for each defendant, and there are twenty-one counties from which the Federal jury is summoned. There are, also, various grounds of prejudice, which will readily suggest themselves to you, existing in the local court, which could not exist in this court, and I am well convinced the parties indicted here can have a full, fair, and impartial trial.

I have endeavored thus fully to answer your communication in order that you may be made fully acquainted with the facts and circumstances of these cases, and in order that you might be better enabled to form your conclusion in the premises. I shall most cheerfully comply with any instructions received from your office relative to these prosecutions. Begging pardon for so much delay in answer to your communication,

I am, very respectfully, your obedient servant,

W. W. MURRAY,
United States Attorney.

HON. GEO. H. WILLIAMS,
Attorney-General, Washington, D. C.

DEPARTMENT OF JUSTICE,
Washington, September 21, 1874.

SIR: I inclose a copy of a telegram addressed to the President by Governor Brown, of Tennessee, which explains itself.

I have to request that you will report to me as soon as practicable what steps you have taken for the prosecution of the parties charged with the outrage committed in Gibson County, and what, if any, necessity there is in your judgment for proceeding on the part of the United States to punish the offenders in that case.

I have advised Governor Brown that his telegram was referred to you

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for a report, and that a definite answer to his request will be made when that report is received. I may find it necessary to incorporate your report, or portions of it, in the official reply to Governor Brown.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

W. W. MURRAY, Esq.,
United States Attorney, Memphis, Tenn.

[Telegram.]

EXECUTIVE DEPARTMENT,
Nashville, Tenn., September 18, 1874.

To His Excellency U. S. GRANT,
President of the United States, Washington City, D. C.:

There were sixteen negroes committed to the jail of Gibson County, in this State, charged with a conspiracy to take the lives of the white citizens of the neighborhood. On the night of the twenty-fifth of August, 1874, a party of disguised men violated the jail and took these prisoners forcibly from the jailor and killed four and wounded two, the remainder escaping and now being at large. The next day I offered a reward of five hundred dollars each for these unknown offenders. The State court, being then in session, took immediate cognizance of the outrage, and the labors of the regular and special term have resulted in the detection and indictment of forty-one of the guilty parties, the majority of whom have been arrested, and the remainder will be if they have not fled the country. They are indicted under the second and third sections of the act of the general assembly of Tennessee, of 1869 and 1870, passed the 30th of January, 1870, entitled "An act to preserve the public peace," and which is in full force. The sections are as follows:

"SEC. 2. *Be it further enacted*, That if any person or persons, disguised or in mask, by day or by night, shall enter upon the premises of another, or shall demand entrance or admission of the house or inclosure of any citizen of this State, it shall be considered *prima facie* that his or their intention is to commit a felony, and such demand shall be deemed an assault, with an intent to commit a felony, and the person or persons so offending shall, upon conviction, be punished by imprisonment in the penitentiary not less than ten years nor more than twenty years.

"SEC. 3. *Be it further enacted*, If any person or persons so prowling, traveling, riding, or walking through the towns or country of this State, masked or in disguise, shall or may assault another with a deadly weapon, he or they shall be deemed guilty of an assault with an intent to commit murder in the first degree, and on conviction thereof shall suffer death by hanging: *Provided*, The jury trying the cause may substitute imprisonment in the penitentiary for a period of not less than ten years nor more than twenty-one years."

The State authorities have manifested the most earnest desire to enforce them against the guilty parties, and have demonstrated by these indictments and arrests not only their disposition but ability to enforce the law and protect all citizens, without regard to race, color, or previous condition of servitude. These efforts I can assure you will in no sense be relaxed until the majesty of the law is fully vindicated. Notwithstanding these efforts, with the results stated, the United States marshal and commissioner for the western division of Tennessee, with the aid of a detachment from the Government garrison at Humboldt, have arrested and are continuing to arrest citizens, and conveying them under guard to Memphis, nearly one hundred miles distant to answer for the same offense charged against them by the State courts.

As governor of Tennessee I do most respectfully, but earnestly, protest against this exercise of jurisdiction by the United States commissioner and marshal, without reference to the question whether the offenses are proper subjects of cognizance by the United States courts, but alone upon the ground that the peace of society will be more certainly preserved, and the rights of citizens as well protected by conceding jurisdiction to the State courts, and I therefore respectfully ask Your Excellency to order that no further arrests be made by the marshal, and that the parties already in his custody be turned over to the proper local tribunals for trial and punishment. I undertake to assure Your Excellency that no effort will be spared to enforce the laws and protect the citizens, by the officers of the State government throughout the borders of this State, and believe the local authority is ample to protect people of every race and condition in life. An early reply is respectfully solicited.

JNO. C. BROWN,
Governor of Tennessee.

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OFFICE UNITED STATES ATTORNEY,
Memphis, Tenn., December 21, 1874.

DEAR SIR: I have the honor to make the following report of action by the court in the Gibson County Ku-Klux Klan cases at the recent session of our circuit court. The facts on which the prosecutions are based were in the main reported to you in my letter of the 2d of October last. On the 13th of said October, the grand jury presented to this United States circuit court two indictments against the parties supposed to be guilty—the first, No. 1180, for violations of sections 6 and 7 of the act of May 31, 1870; against 52 defendants for violation of section 2 of the act of April 20, 1871. Benjamin E. Davis, one of the conspirators, became a witness for the United States—indeed, the principal witness—as stated to you in my letter of the 7th of October last, but did not obey the subpœna issued to him, and was brought before the grand jury to testify under a process of attachment ordered by the court. Judge Trigg presided at the October term. Before these indictments were presented to the court, and while the grand jury were deliberating upon them, the counsel for the defendants applied to the court to interview our witness, viz, said Davis, and the court granted the same; whereupon, at the close of the interview, said counsel came into court and proposed to bail said witness, asking the court to fix the bail of the witness, which had previously been fixed at $1,000. Upon this application, the court intimated that the bail should be raised to the sum of $5,000, when the said counsel made strenuous efforts to have the last cut down—the object of the defense. The court finally fixed the bail of said witness at $2,500, when the defendants' counsel in these cases made the bond and took the witness, with the defendants, to Gibson County, and kept him some three weeks, when they brought him back and put him into the jail of Shelby County, in this city, where he now remains, subject to the order of the court, under a receipt to the marshal.

Judge Ballard, from Louisville, Ky., was here to hold the November term of our court, being sent by the circuit judge, Emmons. These cases were heard before him on demurrers filed to the indictments by the defendants. The first cause, No. 1180, was very thoroughly argued and discussed on the demurrer for two days, and the indictments quashed and demurrer sustained, when I took an appeal on behalf of the United States to the Supreme Court of the United States, and will send you the record with our brief in a few days. In the other case, 1181, after an exhaustive and elaborate argument, the court took the case under advisement with him, (as the courts adjourned Saturday,) to confer with Judge Emmons, and for the purpose of having a written opinion of both judges delivered, the court intimating that the indictment would be sustained and the demurrer overruled.

Very respectfully,

W. W. MURRAY,
U. S. Attorney.

Hon. GEORGE H. WILLIAMS,
Attorney-General, Washington, D. C.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 13.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of the 8th instant, information in relation to an alleged interference in the organization of the General Assembly of the State of Louisiana.

JANUARY 13, 1875.—Read and ordered to lie on the table and be printed.

To the Senate of the United States:

I have the honor to make the following answer to a Senate resolution of the 8th instant, asking for information as to any interference, by any military officer or any part of the Army of the United States, with the organization or proceedings of the general assembly of the State of Louisiana, or either branch thereof; and also inquiring in regard to the existence of armed organizations in that State, hostile to the government thereof, and intent on overturning such government by force.

To say that lawlessness, turbulence, and bloodshed have characterized the political affairs of that State since its re-organization under the reconstruction acts, is only to repeat what has become well known as a part of its unhappy history; but it may be proper here to refer to the election of 1868, by which the republican vote of the State, through fraud and violence, was reduced to a few thousands, and the bloody riots of 1866 and 1868, to show that the disorders there are not due to any recent causes or to any late action of the Federal authorities.

Preparatory to the election of 1872, a shameful and undisguised conspiracy was formed to carry that election against the republicans without regard to law or right, and to that end the most glaring frauds and forgeries were committed in the returns after many colored citizens had been denied registration, and others deterred by fear from casting their ballots.

When the time came for a final canvass of the votes, in view of the foregoing facts, William P. Kellogg, the republican candidate for governor, brought suit upon the equity side of the United States circuit court for Louisiana, and against Warmoth and others, who had obtained possession of the returns of the election, representing that several thousand voters of the State had been deprived of the elective franchise on account of their color, and praying that steps might be taken to have said votes counted, and for general relief. To enable the court to inquire as to the truth of these allegations, a temporary restraining order was issued against the defendants, which was at once wholly disregarded and treated with contempt by those to whom it was directed. These pro-

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ceedings have been widely denounced as an unwarrantable interference by the Federal judiciary with the election of State officers; but it is to be remembered that by the fifteenth amendment to the Constitution of the United States the political equality of colored citizens is secured, and under the second section of that amendment, providing that Congress shall have power to enforce its provisions by appropriate legislation, an act was passed on the 31st of May, 1870, and amended in 1871, the object of which was to prevent the denial or abridgment of suffrage to citizens, on account of race, color, or previous condition of servitude; and it has been held by all the Federal judges before whom the question has arisen, including Justice Strong, of the Supreme Court, that the protection afforded by this amendment and these acts extends to State as well as other elections. That it is the duty of the Federal courts to enforce the provisions of the Constitution of the United States and the laws passed in pursuance thereof is too clear for controversy.

Section 15 of said act, after numerous provisions therein to prevent an evasion of the fifteenth amendment, provides that the jurisdiction of the circuit court of the United States shall extend to all cases in law or equity arising under the provisions of said act and of the act amendatory thereof. Congress seems to have contemplated equitable as well as legal proceedings to prevent the denial of suffrage to colored citizens; and it may be safely asserted that if Kellogg's bill in the above-named case did not present a case for the equitable interposition of the court, that no such case can arise under the act. That the courts of the United States have the right to interfere in various ways with State elections so as to maintain political equality and rights therein, irrespective of race or color, is comparatively a new, and to some seems to be a startling idea, but it results as clearly from the fifteenth amendment to the Constitution and the acts, that have been passed to enforce that amendment, as the abrogation of State laws upholding slavery results from the thirteenth amendment to the Constitution. While the jurisdiction of the court in the case of Kellogg *vs.* Warmoth and others is clear to my mind, it seems that some of the orders made by the judge in that and the kindred case of Antoine were illegal. But while they are so held and considered, it is not to be forgotten that the mandates of his court had been contemptuously defied, and they were made while wild scenes of anarchy were sweeping away all restraint of law and order. Doubtless the judge of this court made grave mistakes; but the law allows the chancellor great latitude not only in punishing those who contemn his orders and injunctions, but in preventing the consummation of the wrong which he has judicially forbidden. Whatever may be said or thought of those matters, it was only made known to me that process of the United States court was resisted; and as said act especially provides for the use of the Army and Navy, when necessary, to enforce judicial process arising thereunder, I considered it my duty to see that such process was executed according to the judgment of the court.

Resulting from these proceedings, through various controversies and complications, a State administration was organized with William P. Kellogg as governor, which, in the discharge of my duty under section 4, article 4, of the Constitution, I have recognized as the government of the State.

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result.

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Kellogg obtained possession of the office, and in my opinion has more right to it than his competitor.

On the 20th of February, 1873, the Committee on Privileges and Elections of the Senate, made a report in which they say they were satisfied by testimony that the manipulation of the election machinery by Warmoth and others was equivalent to twenty thousand votes; and they add that to recognize the McEnery government "would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of the State." Assuming the correctness of the statements in this report, (and they seem to have been generally accepted by the country,) the great crime in Louisiana, about which so much has been said, is, that one is holding the office of governor who was cheated out of twenty thousand votes, against another whose title to the office is undoubtedly based on fraud and in defiance of the wishes and intentions of the voters of the State.

Misinformed and misjudging as to the nature and extent of this report, the supporters of McEnery proceeded to displace by force in some counties of the State the appointees of Governor Kellogg; and on the 13th of April, in an effort of that kind, a butchery of citizens was committed at Colfax, which in blood-thirstiness and barbarity is hardly surpassed by any acts of savage warfare.

To put this matter beyond controversy I quote from the charge of Judge Woods, of the United States circuit court, to the jury in the case of The United States *vs.* Cruikshank and others, in New Orleans, in March, 1874. He said:

> In the case on trial there are many facts not in controversy. I proceed to state some of them in the presence and hearing of counsel on both sides; and if I state as a conceded fact any matter that is disputed, they can correct me.

After stating the origin of the difficulty, which grew out of an attempt of white persons to drive the parish judge and sheriff, appointees of Kellogg, from office, and their attempted protection by colored persons, which led to some fighting, in which quite a number of negroes were killed, the judge states:

> Most of those who were not killed were taken prisoners. Fifteen or sixteen of the blacks had lifted the boards and taken refuge under the floor of the court-house. They were all captured. About thirty-seven men were taken prisoners. The number is not definitely fixed. They were kept under guard until dark. They were led out, two by two, and shot. Most of the men were shot to death. A few were wounded, not mortally, and, by pretending to be dead, were afterward, during the night, able to make their escape. Among them was the Levi Nelson named in the indictment.
>
> The dead bodies of the negroes killed in this affair were left unburied until Tuesday, April 15, when they were buried by a deputy marshal and an officer of the militia from New Orleans. These persons found fifty-nine dead bodies. They showed pistol-shot wounds, the great majority in the head, and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains of dead bodies were discovered near the court-house. Six dead bodies were found under a warehouse, all shot in the head, but one or two which were shot in the breast.
>
> The only white men injured from the beginning of these troubles to their close were Hadnot and Harris. The court-house and its contents were entirely consumed.
>
> There is no evidence that any one in the crowd of whites bore any lawful warrant for the arrest of any of the blacks. There is no evidence that either Nash or Cazabat, after the affair, ever demanded their offices, to which they had set up claim, but Register continued to act as parish judge, and Shaw as sheriff.
>
> These are facts in this case as I understand them to be admitted.

To hold the people of Louisiana generally responsible for these atrocities would not be just; but it is a lamentable fact that insuperable obstructions were thrown in the way of punishing these murderers, and the so-called conservative papers of the State not only justified the massacre, but denounced as federal tyranny and despotism the attempt

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of the United States officers to bring them to justice. Fierce denunciations ring through the country about office-holding and election matters in Louisiana, while every one of the Colfax miscreants goes unwhipped of justice, and no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime.

Not unlike this was the massacre in August last. Several northern young men of capital and enterprise had started the little and flourishing town of Coushatta. Some of them were republicans and office-holders under Kellogg. They were therefore doomed to death. Six of them were seized and carried away from their homes and murdered in cold blood. No one has been punished; and the conservative press of the State dedounced all efforts to that end, and boldly justified the crime.

Many murders of a like character have been committed in individual cases which cannot here be detailed. For example, T. S. Crawford, judge, and P. H. Harris, district attorney of the twelfth judicial district of the State, on their way to court were shot from their horses by men in ambush, on the 8th of October, 1873, and the widow of the former, in a communication to the Department of Justice, tells a piteous tale of the persecutions of her husband because he was a Union man, and of the efforts made to screen those who had committed a crime, which, to use her own language, "left two widows and nine orphans desolate."

To say that the murder of a negro or a white republican is not considered a crime in Louisiana would probably be unjust to a great part of the people; but it is true that a great number of such murders have been committed, and no one has been punished therefor, and manifestly, as to them, the spirit of hatred and violence is stronger than law.

Representations were made to me that the presence of troops in Louisiana was unnecessary and irritating to the people, and that there was no danger of public disturbance if they were taken away. Consequently, early in last summer, the troops were all withdrawn from the State, with the exception of a small garrison at New Orleans Barracks. It was claimed that a comparative state of quiet had supervened. Political excitement as to Louisiana affairs seemed to be dying out. But the November election was approaching, and it was necessary for party purposes that the flame should be rekindled.

Accordingly, on the 14th of September, D. P. Penn, claiming that he was elected lieutenant-governor in 1872, issued an inflammatory proclamation calling upon the militia of the State to arm, assemble, and drive from power the usurpers, as he designated the officers of the State. The White Leagues, armed and ready for the conflict, promptly responded.

On the same day the governor made a formal requisition upon me, pursuant to the act of 1795, and section 4, article 4 of the Constitution, to aid in suppressing domestic violence. On the next day I issued my proclamation commanding the insurgents to disperse within five days from the date thereof; but, before the proclamation was published in New Orleans, the organized and armed forces recognizing a usurping governor had taken forcible possession of the State-house, and temporarily subverted the government. Twenty or more people were killed, including a number of the police of the city. The streets of the city were stained with blood. All that was desired in the way of excitement had been accomplished, and, in view of the steps taken to repress it, the revolution is apparently, though it is believed not really, abandoned, and the cry of Federal usurpation and tyranny in Louisiana was renewed

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with redoubled energy. Troops had been sent to the State under this requisition of the governor, and as other disturbances seemed imminent they were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State, and repress the continued violence which seemed inevitable the moment Federal support should be withdrawn.

Prior to, and with a view to the late election in Louisiana, white men associated themselves together in armed bodies called "White Leagues," and at the same time threats were made in the democratic journals of the State, that the election should be carried against the republicans at all hazards, which very naturally greatly alarmed the colored voters. By section 8 of the act of February 28, 1871, it is made the duty of United States marshals and their deputies, at polls where votes are cast for Representatives in Congress, to keep the peace and prevent any violations of the so-called enforcement acts, and other offenses against the laws of the United States; and upon a requisition of the marshal of Louisiana, and in view of said armed organizations and other portentous circumstances, I caused detachments of troops to be stationed in various localities in the State, to aid him in the performance of his official duties. That there was intimidation of republican voters at the election, notwithstanding these precautions, admits of no doubt. The following are specimens of the means used:

On the 14th of October eighty persons signed and published the following at Shreveport:

> We, the undersigned, merchants of the city of Shreveport, in obedience to a request of the Shreveport Campaign Club, agree to use every endeavor to get our employés to vote the people's ticket at the ensuing election; and, in the event of their refusal so to do, or in case they vote the radical ticket, to refuse to employ them at the expiration of their present contracts.

On the same day another large body of persons published in the same place a paper, in which they used the following language:

> We, the undersigned, merchants of the city of Shreveport, alive to the great importance of securing good and honest government to the State, do agree and pledge ourselves not to advance any supplies or money to any planter the coming year who will give employment or rent lands to laborers who vote the radical ticket in the coming election.

I have no information of the proceedings of the returning-board for said election which may not be found in its report, which has been published, but it is a matter of public information that a great part of the time taken to canvass the votes was consumed by the arguments of lawyers, several of whom represented each party before the board. I have no evidence that the proceedings of this board were not in accordance with the law under which they acted. Whether, in excluding from their count certain returns, they were right or wrong, is a question that depends upon the evidence they had before them; but it is very clear that the law gives them the power, if they choose to exercise it, of deciding that way; and *prima-facie* the persons whom they return as elected are entitled to the offices for which they were candidates.

Respecting the alleged interference by the military with the organization of the legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence. I am well aware that any military interference by the officers or troops

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of the United States with the organization of the State legislature or any of its proceedings, or with any civil department of the Government, is repugnant to our ideas of government. I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified. But there are circumstances connected with the late legislative imbroglio in Louisiana which seem to exempt the military from any intentional wrong in that matter. Knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose.

Each branch of a legislative assembly is the judge of the election and qualifications of its own members. But if a mob, or a body of unauthorized persons seize and hold the legislative hall in a tumultuous and riotous manner, and so prevent any organization by those legally returned as elected, it might become the duty of the State executive to interpose, if requested by a majority of the members elect, to suppress the disturbance and enable the persons elected to organize the house.

Any exercise of this power would only be justifiable under most extraordinary circumstances, and it would then be the duty of the governor to call upon the constabulary, or, if necessary, the military force of the State. But with reference to Louisiana, it is to be borne in mind that any attempt by the governor to use the police force of that State at this time would have undoubtedly precipitated a bloody conflict with the White League, as it did on the 14th of September.

There is no doubt but that the presence of the United States troops upon that occasion prevented bloodshed and the loss of life. Both parties appear to have relied upon them as conservators of the public peace.

The first call was made by the democrats to remove persons obnoxious to them from the legislative hall; and the second was from the republicans to remove persons who had usurped seats in the legislature without legal certificates authorizing them to seats, and in sufficient number to change the majority.

Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the legislature. That the democratic minority of the house undertook to seize its organization by fraud and violence; that in this attempt they trampled under foot law; that they undertook to make persons not returned as elected members, so as to create a majority; that they acted under a preconcerted plan, and under false pretenses introduced into the hall a body of men to support their pretensions by force, if necessary, and that conflict, disorder, and riotous proceedings followed, are facts that seem to be well established, and I am credibly informed that these violent proceedings were a part of a premeditated plan to have the house organized in this way, recognize what has been called the McEnery senate, then to depose Governor Kellogg, and so revolutionize the State government.

Whether it was wrong for the governor, at the request of the majority of the members returned as elected to the house, to use such means as were in his power to defeat these lawless and revolutionary proceedings, is perhaps a debatable question, but it is quite certain that there would have been no trouble if those who now complain of illegal interference had allowed the house to be organized in a lawful and regular manner. When those who inaugurate disorder and anarchy disavow such proceedings, it will be time enough to condemn those who, by such means as they have, prevent the success of their lawless and desperate schemes.

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Lieutenant General Sheridan was requested by me to go to Louisiana to observe and report the situation there, and, if in his opinion necessary, to assume the command, which he did on the 4th instant, after the legislative disturbances had occurred, at 9 o'clock p. m., a number of hours after the disturbances. No party motives nor prejudices can reasonably be imputed to him; but honestly convinced by what he has seen and heard there, he has characterized the leaders of the White Leagues in severe terms, and suggested summary modes of procedure against them, which, though they cannot be adopted, would, if legal, soon put an end to the troubles and disorders in that State. General Sheridan was looking at facts, and, possibly, not thinking of proceedings which would be the only proper ones to pursue in time of peace, thought more of the utterly lawless condition of society surrounding him at the time of his dispatch, and of what would prove a sure remedy. He never proposed to do an illegal act, nor expressed determination to proceed beyond what the law in the future might authorize for the punishment of the atrocities which have been committed, and the commission of which cannot be successfully denied. It is a deplorable fact that political crimes and murders have been committed in Louisiana which have gone unpunished, and which have been justified or apologized for, which must rest as a reproach upon the State and country long after the present generation has passed away.

I have no desire to have United States troops interfere in the domestic concerns of Louisiana or any other State.

On the ninth of December last Governor Kellogg telegraphed to me his apprehensions that the White League intended to make another attack upon the State-house, to which, on the same day, I made the following answer, since which no communication has been sent to him:

"Your dispatch of this date just received. It is exceedingly unpalatable to use troops in anticipation of danger. Let the State authorities be right, and then proceed with their duties without apprehension of danger. If they are then molested, the question will be determined whether the United States is able to maintain law and order within its limits, or not."

I have deplored the necessity which seemed to make it my duty under the Constitution and laws to direct such interference. I have always refused except where it seemed to be my imperative duty to act in such a manner under the Constitution and laws of the United States. I have repeatedly and earnestly entreated the people of the South to live together in peace, and obey the laws; and nothing would give me greater pleasure than to see reconciliation and tranquillity everywhere prevail, and thereby remove all necessity for the presence of troops among them. I regret, however, to say that this state of things does not exist, nor does its existence seem to be desired in some localities; and as to those it may be proper for me to say that, to the extent that Congress has conferred power upon me to prevent it, neither Ku-Klux-Klans, White Leagues, nor any other association using arms and violence to execute their unlawful purposes, can be permitted in that way to govern any part of this country; nor can I see with indifference Union men or republicans ostracised, persecuted, and murdered on account of their opinions, as they now are in some localities.

I have heretofore urged the case of Louisiana upon the attention of Congress, and I cannot but think that its inaction has produced great evil.

To summarize: In September last an armed, organized body of men, in the support of candidates who had been put in nomination for the offices

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of governor and lieutenant-governor, at the November election, in 1872, and who had been declared not elected by the board of convassers, recognized by all the courts to which the question had been submitted, undertook to subvert and overthrow the State government that had been recognized by me, in accordance with previous precedents. The recognized governor was driven from the State-house, and, but for his finding shelter in the United States custom-house, in the capital of the State of which he was governor, it is scarcely to be doubted that he would have been killed.

From the State-house, before he had been driven to the custom-house, a call was made in accordance with the fourth section, fourth article of the Constitution of the United States, for the aid of the General Government to suppress domestic violence. Under those circumstances, and in accordance with my sworn duties, my proclamation of the 15th of September, 1874, was issued. This served to reinstate Governor Kellogg to his position nominally; but it cannot be claimed that the insurgents have, to this day, surrendered to the State authorities the arms belonging to the State, or that they have in any sense disarmed. On the contrary, it is known that the same armed organizations that existed on the 14th of September, 1874, in opposition to the recognized State government, still retain their organization, equipments, and commanders, and can be called out at any hour to resist the State government. Under these circumstances, the same military force has been continued in Louisiana as was sent there under the first call, and under the same general instructions. I repeat that the task assumed by the troops is not a pleasant one to them; that the Army is not composed of lawyers capable of judging at a moment's notice of just how far they can go in the maintenance of law and order, and that it was impossible to give specific instructions providing for all possible contingencies that might arise. The troops were bound to act upon the judgment of the commanding officer upon each sudden contingency that arose, or wait instructions which could only reach them after the threatened wrongs had been committed which they were called on to prevent. It should be recollected, too, that upon my recognition of the Kellogg government, I reported the fact, with the grounds of recognition, to Congress, and asked that body to take action in the matter; otherwise, I should regard their silence as an acquiescence in my course. No action has been taken by that body, and I have maintained the position then marked out.

If error has been committed by the Army in these matters, it has always been on the side of the preservation of good order, the maintenance of law, and the protection of life. Their bearing reflects credit upon the soldiers, and if wrong has resulted, the blame is with the turbulent element surrounding them.

I now earnestly ask that such action be taken by Congress as to leave my duties perfectly clear in dealing with the affairs of Louisiana, giving assurance at the same time that whatever may be done by that body in the premises will be executed according to the spirit and letter of the law, without fear or favor.

I herewith transmit copies of documents containing more specific information as to the subject-matter of the resolution.

U. S. GRANT.

EXECUTIVE MANSION,
January 13, 1875.

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ACCOMPANYING DOCUMENTS.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, August 19, 1874.

SIR: I regret to have to trouble you again about our affairs, but the exceptional circumstances surrounding us, and the importance of the issues involved, render it necessary that I should make a brief statement of the situation.

Louisiana is now the last State in the Southwest, except Mississippi, that remains true to the republican party. We have a large majority of the legal voters of the State. Even our opponents now admit it, and, refuting their own often-repeated assertions of last year, that a heavy colored vote was polled for the fusion candidates, assert in their published call that all efforts to persuade the colored element to unite with them have failed, and consequently that other means must be resorted to. Accordingly they have abandoned the policy of fraud, upon which they relied in 1872, and have returned to the policy of murder, violence, and intimidation which they pursued in 1868 to such purpose that out of nearly eighty thousand republican votes in the State barely six thousand votes were cast for yourself and the national republican ticket.

The great majority of the republican voters of this State are colored, though we are daily receiving large accessions of white voters, especially in the city of New Orleans, where we shall probably poll from four to five thousand more white votes than at the last election. In the river parishes, which are easily accessible, and where our numerical superiority is very great, we shall probably be able to preserve peace and bring out our full vote in the coming election without much trouble; but in the more distant parishes of the State, lying on the borders of Arkansas and Texas, where turbulence and lawlessness are chronic, much violence already prevails, and much more is anticipated before election.

The State is doing, and will do, all it can to suppress these internal disorders, but there are influences of a very powerful kind which are being used against us. The eminently just and proper action of the National Administration in the affairs of Arkansas and Texas is represented as indicating a settled purpose on the part of yourself to "let the South alone," and not to extend to any republican government in the Southern States the protection of the General Government, no matter what domestic violence may be set afoot. This impression has been industriously circulated in the parishes lying near the Arkansas and Texas line, and, taken in connection with the decision of Judge Bradley, releasing the Grant Parish murderers, has had a very bad effect. At the same time, while this impression is being circulated with regard to the attitude of the President, the pronounced hostility of these men to the National Government remains as bitter as ever.

By the re-distribution of districts, this State is entitled to representation by six Congressmen in the next Congress. In five at least out of

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the six districts we have an undoubted republican majority, and we can elect our candidates if we can have a fair election, uncontrolled by violence. I have felt it due alike to the National Administration and to the State government that the coming election should be held clear of all suspicions of fraud, such as have tainted previous elections in Louisiana. Accordingly, I have approved and promulgated an act passed by the last legislature providing for an entirely new registration throughout the State. I have voluntarily pledged myself to give the opposition a clerk in every registration office in the State, and our new law gives them a commissioner at every poll. So far as the State administration is concerned, the next election will be one of the fairest ever held in Louisiana.

But it is necessary that every republican voter should know that he will be protected if violently interfered with in the exercise of the rights conferred upon him by Congress and the Constitution, and should feel that he is not beyond the reach of the national arm. Except a handful of men at Colfax, we have no United States troops in the State, and have had none since the Nineteenth Infantry were removed, which is now several months since. There are troops now stationed at Holly Springs, Miss., who, I believe, are designed for service in this State. If they were promptly assigned to the respective stations heretofore occupied by the Nineteenth Infantry, whom they have been sent to relieve, one great incentive to the outrages and violence now prevailing would be at once removed.

The heated term here has apparently passed, and the State is healthier than it has been for many years. Not a single case of yellow fever has anywhere manifested itself, nor is there any epidemic disease prevailing. I respectfully and earnestly suggest that if the United States troops were returned to their posts in this State, such a course would have a most salutary effect, and would prevent much bloodshed, and probably a formal call upon the President and a renewed agitation of the Louisiana question, which otherwise a quiet, fair election next November would forever set at rest, and fully vindicate your just policy toward us.

I have the honor to be, very respectfully, your obedient servant,

WM. P. KELLOGG.

His Excellency PRESIDENT GRANT,
Long Branch.

[Telegram.]

NEW ORLEANS, *August* 30, 1874.

Attorney-General WILLIAMS,
Washington, D. C.:

The registration of voters throughout the State for election of Congressmen commences to-morrow in several parishes. Large bodies of armed and mounted white men have appeared. Through fear of them, the blacks will be unable to register or vote in case of a conflict, which I regard as imminent. I shall be unable to enforce the laws of Congress without a posse of troops. It is believed the mere presence of United States troops in this district will prevent interference with the blacks in their registration. I therefore request, through the Attorney-General, that the Secretary of War order a sufficient force to this district immediately to aid in the discharge of my duty as required by law.

S. B. PACKARD,
United States Marshal.

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[Telegram.]

NEW ORLEANS, *August* 30, 1874.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington:

A gross outrage has just been perpetrated at Coushatta, Red River Parish, in the northwestern portion of the State. A large number of White-Leaguers from that and other parishes near the Texas and Arkansas line invaded the parish, in order to force the parish officers to resign. They refused; but after a short conflict, in which several persons were killed, to avoid further bloodshed, these officers and other leading republicans surrendered. Red River Parish, a new parish formed some four years since, is strongly republican, there being three colored to one white. It was returned as largely republican by the fusionists at last election. Coushatta, though small, is the most thriving landing on Upper Red River, and is owned mainly by northern men. It is known, however, as one of the strongholds of republicanism in that portion of the State; the people pay taxes, are industrious and law-abiding. A more wanton outrage was never committed in any civilized community, as an investigation will fully show. The White-Leaguers, in order to carry out more effectually their avowed plan of carrying the State by terrifying republicans, and preventing their registering and voting, as was done in 1868, have inaugurated violence in several of the northern parishes. There are no troops in that portion of the State, and, indeed, none in the State, except a company at Colfax. As the evident intention of the White League is to inaugurate domestic violence and interference with the rights of the colored citizens, especially in the remote parishes where our State militia cannot be sent, and as the registration of voters throughout the State commences to-morrow, I respectfully suggest that the troops now in Mississippi, designed, I believe, to take the place of the Nineteenth Infantry, ordered away in July, be directed to resume the posts vacated by said regiment. A systematic effort has been and is being made by the opposition to create the impression that no troops will, under any circumstances, be sent into the State. The presence of troops, it is believed, will go far to prevent violence and bloodshed. No danger need be apprehended on sanitary grounds, as both city and State are perfectly healthy, not the slightest sign of epidemic disease existing, or likely to occur this season.

WM. P. KELLOGG.

[Telegram.]

NEW ORLEANS, LA., *August* 31.
(*Via Long Branch, September* 1.)

Hon. GEO. H. WILLIAMS,
Attorney-General United States, Washington, D. C.:

The statement telegraphed you last night, regarding the outrage at Red River Parish, has been fully confirmed. Further information has just been received that the parish officers and others who surrendered to the White League were being taken to Shreveport by a number of white men. *En route* they were all shot in cold blood. Among the murdered men were Homer J. Twitchell, who came south in a Vermont regiment during the war and settled as a planter in Red River Parish; Eggleston, sheriff; Dewees, supervisor; and Halland and Howells, law-

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yers. There were six white republicans, all but two northern men, and several colored, murdered in this affair. Red River Parish is near the Texas line, and is among the strongest republican parishes in the State. Predatory bands of armed men are scouring several of the republican parishes in that portion of the State, driving out republicans and intimidating colored men. Registration commenced to-day, and an openly avowed policy of exterminating republicans.

WM. P. KELLOGG.

[Telegram.]

NEW ORLEANS, LA., *September* 1, 1874.

Attorney-General WILLIAMS,
Washington:

SIR: We respectfully refer you to the telegram sent to the Washington National Republican, giving a detailed account of the outrages recently perpetrated in Coushatta, La., and will state that some of the members of our families were the victims, and that as the State authorities can render no protection for life or property, and further, that as we are citizens of that parish, where our families, houses, and crops are without protection, we implore immediate protection from the United States authorities, and that a company of United States troops be sent to Coushatta at once.

M. H. TWICHELL.
E. W. DEWEES.
A. O. P. PICKENS.

[Telegram.]

NEW ORLEANS, *September* 1, 1874.

Hon. GEO. H. WILLIAMS,
Attorney-General United States, Washington:

Telegraphed you last night regarding Coushatta affair to Long Branch, care of President. If you have not left Washington, please direct operator at Long Branch to repeat. Further information makes the affair worse even than first reported. The six white men killed were all of good character—planters and business men—but four of them were northern republicans.

WM. P. KELLOGG.

[Telegram.]

NEW ORLEANS, *September* 10, 1873.

To Attorney-General WILLIAMS:

Courier just arrived reports the reign of terror unabated at Coushatta; murders going on daily. A military camp of White Leaguers established in the town, which is being supplied with provisions. We respectfully represent that unless United States troops are sent and retained there, it will be impossible to stop the murder and secure the testimony to prosecute the murderers. Refer to Senator West.

M. H. TWICHELL,
State Senator.
E. W. DEWEES,
Representative, Red River Parish.

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[Telegram.]

NEW ORLEANS, *September* 13, 1874.

Attorney-General WILLIAMS,
Washington, D. C.:

Some morning papers and incendiary notices posted, call upon citizens to close stores and meet at Clay statue at 11 a. m. to-morrow. Danger of conflict imminent. No troops here at present, but General Emory telegraphs me that he will send detachment from Jackson to-night. If so, they will arrive to-morrow.

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW YORK, *September* 13, 1874.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington:

The troops are ordered away from Colfax. If not countermanded I fear all of the witnesses in late Mapoce trial will be killed.

J. R. BECKWITH.

[Telegram.]

NEW ORLEANS, *September* 14, 1874.

Attorney-General WILLIAMS,
Washington, D. C.:

The White League, armed, have occupied the city-hall, and have cut the wires of the fire-alarm and police telegraph.

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *September* 14, 1874.

To President GRANT, *Washington:*

Under article four, section 4, of the Constitution of the United States, I have the honor to inform you that the State is now subject to domestic violence of a character that the State forces, under existing circumstances, are unable to suppress, and the legislature not being in session and not being able to be convened within the requisite time to take action in this matter, I respectfully make requisition upon you to take measures to put down the domestic violence and insurrection now prevailing.

WM. P. KELLOGG,
Governor of Louisiana.

[Telegram.]

NEW ORLEANS, *September* 14, 1874.

Attorney-General WILLAIMS,
Washington, D. C.:

A meeting of about two thousand has been held, and a committee sent, demanding the governor's immediate resignation. The committee was received by assistant attorney-general, also a member of the governor's staff, and by direction of the governor, informed the committee that the governor refused to receive any communication from a body of

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armed men accompanied with a menace. The people assembled at the meeting were generally unarmed, but large bodies of White Leaguers are under arms in the vicinity, awaiting orders. The meeting dismissed, and the people notified to come to Canal street to-night at four o'clock with their arms and blankets, and camp there. Mr. Marr, chairman democratic committee, was chairman of the committee to demand the governor's resignation. There is little doubt of a conflict to-night. I have a company of United States troops guarding the custom-house building, that arrived, on my requisition, from Jackson, Miss., this morning. Four companies are *en route* from Holly Springs, expected at four o'clock, if not intercepted as threatened. The armed gathering to-night is avowedly to attempt the overthrow of the State government; if successful, the murder of leading republicans. The local authorities have several hundred men under arms at State-house and arsenals. The State authorities are exercising the utmost discretion, in order that if blood be shed, it will be precipitated by the White League.

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *September* 14, 1874. (Received 11.45 p. m.)

Attorney-General WILLIAMS,
Washington, D. C.:

The detachment from Holly Springs arrived at 5 p. m. There was a short fight between the police and White League, between four and five o'clock, before the arrival of the troops. Estimated loss of police fifteen killed and thirty wounded. General Badger, commanding police, was mortally wounded. General Longstreet retired to the State-house, which he holds, no attack having been made. The purpose of the riot is overthrow of the State government. Several United States soldiers are reported arrested by the League while on the street unarmed. The military force is inadequate to protect the public property and keep the peace of the city besides.

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *September* 15, 1874.

To President GRANT, *Washington:*

Armed mobs reported all over city; leaguers much more formidable than supposed; appear to be coming in from abroad. Five days' delay will, we fear, cost hundreds of lives; prompt action is necessary.

W. G. BROWN,
Superintendent of Public Instruction.
CHAS. CLINTON, *Auditor.*

[Telegram.]

SAINT FRANCISVILLE, *September* 19, 1874.
(*Via Bayou Sara, La., September* 19, 1874.)

The ATTORNEY-GENERAL, *Washington:*

The timely arrival of Federal troops has saved the lives of unoffending republicans. We look confidently to the loyal North for the support

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which they have so generously extended the weak, and hope the protection of the Government will continue until the elections are over. Life is dear to us, but we can't risk an article so precious when surrounded by murderous White Leaguers.

ROB'T HEWLITT,
Mayor.

NEW ORLEANS, *November* 1, 1874.

Extract from letter of Deputy Marshal Stockton, dated Natchitoches, October 22, 1874:

There should be a company of infantry here now, and remain all winter. These people swear as soon as I go away with the cavalry they intend to kill all the prominent white and black republicans in the parish. It is rumored to-day that at the meeting of the White League last night, which was addressed by Levy and Moncure, only seventy-five present, twelve prominent republicans were selected to be killed as soon as the cavalry left here, among whom are Bolt and sons, Pierson, Blunt, Breda, &c. Moncure urged them to make it too hot for them to live here, &c. These peaceable citizens marched to the hall under military commands. The greatest reign of terror and intimidation all over the town, of three thousand inhabitants, and the parish. Both Lieutenants McIntosh and Wallace say there is more and greater disloyalty here openly avowed than they ever knew in any other part of the United States; and the moment we leave here they believe a large number will be killed, because these White-Leaguers say the leading republicans here have been at the bottom of these arrests. You cannot imagine the state of affairs here. If the President intends to make good the assertion, that any citizen shall be as safe in any part of Louisiana as in Massachusetts, he will have to order a company of troops to remain here permanently. I see and feel that our operations here, which for the time have upset all the calculations of the White-Leaguers, will only add increased revenge when we retire. It is a sad state of affairs, and can only be corrected by the military arm of the Government, and that arm must have positive instructions to render immediate aid, or be commanded by an officer like Lieutenant McIntosh, who comprehends the situation, perceives the effect, and knows how to remove the cause.

I have the honor, therefore, to request you to direct that a post be established at Natchitoches, and that General Emory be ordered to place a company of troops there.

Very respectfully,

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *October* 19, 1874.

Hon. GEORGE H. WILLIAMS,
Attorney-General United States, Washington, D. C.:

We have authentic information that systematic violence and intimidation will be practiced toward republican voters on the day of election at three or four points in this State. We earnestly request that General Emory be instructed to send troops to Franklin, Saint Mary's Parish; Napoleonville, Assumption Parish; and Moreauville, Avoyelles Parish. Governor Kellogg will furnish transportation to these points without cost to the Government.

S. B. PACKARD,
Chairman State Central Committee.
WM. P. KELLOGG.
C. B. DARRALL.
JAS. F. CASEY.
J. H. SYPHER.
FRANK MOREY.

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[Telegram.]

NEW ORLEANS, *December* 9, 1874.

President GRANT, *Washington:*

Information reaches me that the White League purpose making an attack upon the State-house, especially that portion occupied by the treasurer of the State; the organization is very numerous and well armed, and the State forces now available are not sufficient to resist successfully any movement they make with a view of preventing such an attempt, and the bloodshed which would be likely to result should an insurgent body again take possession of the State-house and in dispersing them. I respectfully request that a detachment of United States troops be stationed in that portion of the Saint Louis Hotel which is not used for any of the State officers, where they will be readily available to prevent any such insurrectionary movement as that contemplated.

WM. P. KELLOGG,
Governor of Louisiana.

[Telegram.]

NEW ORLEANS, *December* 10, 1874.

President GRANT, *Washington, D. C.:*

I transmit the following dispatch by request of Ex-Governor Wells, president of the returning board.

WM. P. KELLOGG.

NEW ORLEANS, *December* 10, 1874.

President GRANT:

Authentic information in possession of the returning-board justifies them in believing that an attack is intended upon the Saint Louis Hotel, now occupied as a State-house, wherein the returning-board holds its sessions, and where the returns of the late elections are deposited. The board has nearly completed a careful and impartial canvass of the returns, in compliance with law, and expect to make promulgations therefrom as soon as the same can be properly compiled. The members of the board are being publicly and privately threatened with violence, and an attack upon the State-house, which is likely to result in bloodshed, is also threatened. By request of the board, I respectfully ask that a detachment of troops be stationed in the State-house, so that the deliberations and final action of the board may be free from intimidation and violence.

J. MADISON WELLS,
President of State Returning-Board.

SHREVEPORT, LA., *December* 16, 1874.

DEAR SIR: My position as United States commissioner for this locality has made me somewhat intimately acquainted with the condition of affairs in North Louisiana, which I think you ought to be informed of. This is my apology for troubling you with this communication.

You are already informed of the general character of the late political canvass in this State, as conducted by the whites, and of the results. Without attempting to define the precise *modus operandi* of the white man's party here, it is scarcely too much to say that the white voters of each parish north of Red River constituted an armed conspiracy, with the scarcely-disguised purpose of carrying the election at all events—by threats, intimidation, and fraud if possible, and by violence if necessary, all of which, first and last, were used freely.

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The scheme here was to expel from the country the republican leaders, and then to frighten the negroes into acquiescence with their wishes; and this scheme was pursued to the end, with this modification, that after the arrival of troops the expelled leaders returned, but did not dare to go out of Shreveport, and did not dare to mingle freely with the people or to express publicly their sentiments.

The whites in all this portion of the State were united upon this programme almost to a man. This unanimity did not result all from choice, but so formidable had the organization become by August that even those who disapproved no longer dared to resist, even passively, and took shelter in the white party.

The blacks are numerically far superior to the whites in all this part of the State, nearly 2½ to 1—at any rate, more than an average of 2 to 1; yet, when you consider the ignorance and dependence of these blacks, and their consequent timidity, and that the leaders—white and black—were either banished or silenced, it will not be difficult for you to comprehend how the white minority dominated so completely the colored majority and carried out their programme. The blacks, unorganized and unadvised, were quietly and peaceably pursuing their labor, cultivating the crops, while the whites, who habitually, to a greater or less extent, cheat them of the rewards of their labor, were banding themselves together to defraud them of their right of suffrage also.

The Coushatta affair, occurring in the last days of July, and in the guilt of which, we believe from our present knowledge, not less than two hundred whites participated, more or less proximately, seemed to serve them as an incentive to closer union and more rigorous action. A very large number, scattered up and down the river, from Shreveport to Natchitoches, seeking immunity from their guilt in the destruction of all law and public order, redoubled their efforts to terrorize the blacks, and to annihilate all opposition.

Perhaps I cannot give you in few words a better idea of the ascendant arrogance and intolerance of the white leaders, than to say that the Shreveport Times newspaper—the leading exponent of the principles of the party in the State—boldly and unqualifiedly justified the Coushatta assassination on the sole ground of political necessity.

The orators of the party did substantially the same thing during the canvass, and the less prudent speak of it to this day as a good thing. Even Governor McEnery, in a speech in this place, as I am well informed, openly advocated the lynching of one of the republican leaders residing here, and a man of good character.

The republican meetings during the canvass were composed mostly of blacks, generally not more than three to five or six white republicans. There were always present enough turbulent whites to overawe the meeting, and frequently to break it up. At these meetings the whites did not hesitate to threaten the blacks with condign punishment if they persisted in voting the republican ticket.

Among the milder forms of intimidation resorted to were such announcements as the following:

> We, the undersigned, merchants and business men of Shreveport, in obedience to a request of the Shreveport Campaign Club, agree to use every endeavor to get our employés to vote the people's ticket at the ensuing election, and in the event of their refusal so to do, or in case they vote the radical ticket, to refuse to employ them at the expiration of their present contracts.

I inclose a short editorial on one of these cards, taken from the Shreveport Times of the 23d of October.

It would be tedious to attempt to fill up this general outline. If your

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imagination supplies for details that only a general apprehension of material consequences—loss of their present crops, loss of employment, disruption of their heretofore friendly relations with the whites, the proprietors of the soil, but an absolute and constant fear of personal danger, especially to all such as were supposed to have any prominence or influence among their fellows as political leaders; this fear frequently strengthened and even intensified by the actual experience of personal violence, you will not have an exaggerated idea of what was the real condition of the colored people here at the time of election.

It is humiliating in the extreme to contemplate the condition of the freedmen in Louisiana, in the light of American citizens, under the protection of a great and benevolent Government. Emboldened by the prospective success of the infamous scheme of the election, the whites are now driving the freedmen from their homes, naked and penniless, to endure the severities of winter as best they may. This very evening, and since I commenced this letter, a colored man, of honest and intelligent expression, comes in and tells me that last night, about 9 o'clock, his employer, a white man, (well known to me,) by force (displaying a pistol and threatening to use it) put him and his wife and three helpless children out of their house to spend the night, as best they might, in the public highway, which they did under the open canopy of heaven; and what may be put down as a special aggravation of the offense is, that two of the children were ill and taking medicine, and one of them was so ill that it was not expected to survive. These people (turned out) *were partners in the crop which they had raised on the lands of the man who turned them out, and the crop had not yet been divided and is all in the possession of the land-owner who turned them out.* This man had voted the republican ticket at the late election.

This is only one case in many coming to my knowledge daily. A few days ago, complaint was made before me against seven white men in the adjoining parish of De Soto, charging them with conspiring to plunder, rob, and murder one poor defenseless old negro by the name of John Allston, and an extensive and full inquiry into the matter revealed the fact that *the charge was well laid*, for they in fact not only plundered him and his family, but murdered the old man outright. Four of these are now under bond for their appearance, and the rest have fled.

These people are systematically intimidated, brow-beaten, personally maltreated, cheated of their earnings, cheated of their suffrage, driven from their homes in penury to endure the inclemency of winter, and cheated of their rights to vindicate themselves before the courts. In simple truth, they no longer have any rights which the whites voluntarily respect, or which they have themselves the means or ability to make them respect. To submit their claims for adjustment to the mixed juries of our local courts, where the influence of the whites is wholly predominant, would be the veriest farce conceivable, and the attorney, if one could be found at all, would have to become answerable for court costs and work for nothing, all at the peril of his professional standing.

So numerous and wholesale are the offenses of the whites against these defenseless creatures, that I almost hesitate to name approximately the number of persons subject to arrest and punishment for aggravated violation of the enforcement and Ku-Klux acts, within fifty miles of this place. To be entirely safe, I will put it at two hundred and fifty. What is the relief for this state of things? It seems clear to us that the only glimmer of hope for the freedmen is in a *vigorous enforcement of the Federal laws, and that speedily;* and when we contemplate this resource, and

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measure the capacity of the courts, as now established by the enormous amount of business to be transacted, it becomes at once obvious that the facilities for the administration of the laws of Congress in Louisiana are entirely inadequate.

As now established, the Federal courts sit in this district only in New Orleans—700 miles away from here by the nearest and speediest mode of travel. Considering that what has been said above of the condition of two or three parishes adjacent to Shreveport is true, to a greater or less degree of every parish in the State, how would it be possible for any single court to answer the demands of this exigency? Besides, if the courts sitting in New Orleans had time to transact the business in full, the expense and general impracticability of sending witnesses so far before the grand jury, and then to attend the final trial, will, to my mind, be such as itself to defeat substantially every attempt to bring these violators of the law to justice, and they will thus go unpunished.

My object in writing this letter has been and is, not only to give you a reliable statement of our condition here generally, but specially to enable you to see the importance of increased facilities in the way of administering the law in this section, and to invoke the exercise of your influence for the establishment of a United States district court for North Louisiana. This, in my opinion, is an immediate and imperative necessity; without it the authority of the Federal laws will be scarcely known or heard of, and certainly not feared or respected, in North Louisiana.

I have been a resident of Shreveport nearly twenty years, and of the South since the year 1847.

I have further to add, that I have had the honor to read this letter to General Lewis Merrill, commanding this division, and he authorizes me to say that he fully indorses every statement and suggestion contained in it.

I have the honor to be, very respectfully,

A. B. LEVISA.

Hon. G. H. WILLIAMS,
Attorney-General United States.

[Confidential.]

WAR DEPARTMENT,
Washington City, December 24, 1874.

General P. H. SHERIDAN,
Chicago, Ill.:

GENERAL: The President sent for me this morning, and desires me to say to you that he wishes you to visit the States of Louisiana and Mississippi, and especially New Orleans, in Louisiana, and Vicksburgh and Jackson, in Mississippi, and ascertain for yourself, and for his information, the general condition of matters in those localities. You need not confine your visit to the States of Louisiana and Mississippi, and may extend your trip to other States, Alabama, &c., if you see proper; nor need you confine your visit, in the States of Louisiana and Mississippi, to the places named. What the President desires is to ascertain the true condition of affairs, and to receive such suggestions from you as you may deem advisable and judicious.

Inclosed herewith is an order authorizing you to assume command of the Military Division of the South, or of any portion of that division, should you see proper to do so. It may be possible that circumstances

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may arise which would render this a proper course to pursue. You can, if you desire it, see General McDowell in Louisville, and make known to him confidentially the object of your trip; but this is not required of you. Communication with him by you is left entirely to your own judgment.

Of course you can take with you such gentlemen of your staff as you wish, and it is best that the trip should appear to be one as much of pleasure as of business, for the fact of your mere presence in the localities referred to will have, it is presumed, a beneficial effect.

The President thinks, and so do I, that a trip south might be agreeable to you, and that you might be able to obtain a good deal of information on the subject about which we desire to learn. You can make your return by Washington and make a verbal report, and also inform me from time to time of your views and conclusions.

Yours truly, &c.,

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 24, 1874.

Lieut. Gen. P. H. SHERIDAN,
United States Army, Chicago, Ill.:

SIR: If in the course of the inspection and investigation the Secretary of War has directed you to make, in his communication of this date, you should find it necessary to assume command over the Military Division of the South, or any portion thereof, the President of the United States hereby authorizes and instructs you to take the command accordingly, and to establish your headquarters at such point as you may deem best for the interests of the public service.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Copy of above letter furnished General McDowell, commanding Military Division of the South, January 5, 1875.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF MISSOURI,
Chicago, Ill., Dec. 26, 1874.

General W. W. BELKNAP,
Washington, D. C.:

Your letter received all right.

P. H. SHERIDAN,
Lieutenant-General.

HEADQUARTERS ARMY OF THE UNITED STATES,
Saint Louis, Mo., December 30, 1874.

GENERAL: I have the honor to acknowledge receipt of your confidential communication of December 26, with inclosures.

Your obedient servant,

W. T. SHERMAN,
General.

Gen. W. W. BELKNAP,
Secretary of War, Washington, D. C.

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[Telegram.]

HOUSE OF REPRESENTATIVES,
New Orleans, January 4, 1875.

The PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

I have the honor to inform you that the house of representatives of this State was organized to-day by the election of myself as speaker, fifty-eight members, two more than a quorum voting, with a full house present. More than two hours after the organization I was informed by the officer in command of the United States troops in this city that he had been requested by Governor Kellogg to remove certain members of the house from the State-house, and that, under his orders, he was obliged to comply with the request. I protested against any interference of the United States with the organization or proceedings of the house, but notwithstanding this the officer in command marched a company of soldiers upon the floor of the house, and by force removed thirteen members, who had been legally and constitutionally seated as such, and who, at time of such forcible removal, were participating in the proceedings of the house. In addition to this, the military declared their purpose to further interfere with force in the business and organization of this assembly, upon which some fifty-two members and the speaker withdrew, declining to participate any longer in the business of the house under the dictation of the military. As speaker, I respectfully appeal to you to know by what authority and under what law the United States Army interrupted and broke up a session of the house of representatives of the State of Louisiana, and to urgently request and demand that they be ordered to restore the house to the position it occupied when they so interfered, and, further, that they be instructed that it is no part of their duty to interfere in any manner with the internal workings of the general assembly. The house is the representation of the sovereignty of the State, and I know of no law which warrants either the executive of the State or the United States Army to interfere with its organization or proceedings.

LOUIS A. WILTZ,
Speaker of the House of Representatives of the State of Louisiana.

[Telegram.]

HEADQUARTERS DIVISION OF THE MISSOURI,
New Orleans, January 4, 1875. (Received 4—11.45 p. m.)

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people, all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seems to be looked upon by the community here from a standpoint which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General United States Army.

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[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 5, 1875.

Lieut. Gen. SHERIDAN,
United States Army, New Orleans, La.:

Your telegram, dated the 4th, describing state of things, and reporting you have assumed control over the Department of the Gulf, was received by the Secretary of War, and is approved.

E. D. TOWNSEND,
Adjutant General.

[Telegram dated New Orleans, January 4, 1875. Received 2.40 a. m.]

The ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.:

The following order is forwarded for the information of the War Department.

P. H. SHERIDAN,
Lieutenant-General.

[General Order No. 1.—9 p. m.]

Under instructions from the President of the United States, communicated through the Adjutant-General of the Army, the undersigned hereby assumes control of the Department of the Gulf, consisting of the States of Louisiana and Mississippi, and the Gulf posts as far eastward as and embracing Fort Jefferson and Key West, Florida, including the forts in Mobile Bay, which will hereafter constitute one of the departments of the Military Division of the Missouri.

P. H. SHERIDAN,
Lieutenant-General United States Army.

[Telegram.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 5, 1875.

General W. T. SHERMAN,
United States Army, Saint Louis, Mo.:

The Secretary of War directs me to inform you Lieutenant-General Sheridan has annexed Department of the Gulf to his division under authority given him by the President December twenty-fourth, (24th,) eighteen hundred and seventy-four, (1874.)

The measure is deemed necessary and is approved.

E. D. TOWNSEND,
Adjutant-General.

[Telegram dated Saint Louis, Mo., January 6, 1875. Received January 7.]

ADJUTANT-GENERAL *United States Army, Washington :*

Your telegram of 5th instant, stating that General Sheridan has annexed Department of Gulf to his command, &c., has been received.

W. T. SHERMAN,
General.

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[Telegram dated New Orleans, January 5, 1875, received at N. E. corner Fourteenth street and Pennsylvania avenue, 4.47 p. m.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Please say to the President that he need give himself no uneasiness about the condition of affairs here. I will preserve the peace, which it is not hard to do with the naval and military forces in and about the city, and if Congress will declare the White Leagues and other similar organizations, white or black, banditti, I will relieve it from the necessity of any special legislation for the preservation of peace and equality of rights in the States of Louisiana, Mississippi, Arkansas, and the Executive from much of the trouble heretofore had in this section of the country.

P. H. SHERIDAN,
Lieutenant-General U. S. A.

[Telegram dated Headquarters Military Division of the Missouri, New Orleans, La., January 5, 1875. Received January 5.]

W. W. BELKNAP, *Secretary of War,*
Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Miss., should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken, except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General U. S. A.

[Telegram dated New Orleans, January 6, 1875. Received 2 p. m.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I telegraph the following letter from General Merrill, for the information of the War Department.

P. H. SHERIDAN,
Lieutenant-General.

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, La., December 30, 1874.

ADJUTANT-GENERAL, DEPARTMENT OF THE GULF,
New Orleans, La.:

SIR: Referring to your telegram of December 17, directing me, in certain events, to be in readiness to suppress violence, and let it be understood that I will do it, I have the honor to report that, in view of these instructions, I have been at some pains to investigate the probabilities of violence here, and find the following to be the facts as nearly as I can ascertain them. The State returning-board have officially announced that the candidates for office in this parish, on what is known as the radical ticket, are duly and lawfully elected; the leaders of the opposing party declare that such is

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not the fact, and that the persons then declared elected shall not take or hold the offices; this determination appears to be well settled, and so generally expressed and approved by the large majority of the whites, that I have no doubt it is more than an idle threat; this expression, in many instances, is accompanied by threats of violence and even death to the officers if they attempt to take the offices, and I cannot doubt that such threats are very seriously made; they are only a repetition of what was at all times the open talk of all the leaders before the election. Three of the officers referred to are members of the lower house of the State legislature, and all three are now in New Orleans. The others are the parish judge, Creswell, the sheriff, Kefner, and several minor officers, including police, jury, justices of the peace, and constables. These are here. There is on the part of most of them such apprehension of danger in assuming their duties that, except the parish judge, I do not think any one of them will attempt, or could be induced, to take his office. The parish judge is a man of courage and coolness, and I cannot tell whether he will attempt to take his office or not. I have not seen him recently, and have no definite information of his purpose. So long as any or all of these officers refuse to exercise the functions of their office, I conceive I am not called upon to do anything in the matter. In one case where my advice was sought as to whether the office should be claimed, I distinctly and peremptorily refused to give any advice, saying that this was no part of my duty, and that these individuals must determine such question for themselves. It is, I think, pretty well understood that my instructions cover the following points and will be carried out: That I *organize* as the legal State officials only such persons as are recognized as such by the recognized executive or judicial officers of the State. That in the legal exercise of their official duties such officers must not be violently disturbed or interfered with, and if such violence occurs it is my duty to suppress it, and that I will do so. That my advice to all persons is, that if any question exists of the right of any person to hold any office, that such questions shall be taken before the proper legal tribunals for determination, and shall be peaceably determined by the means fixed by law for that purpose. That beyond this I have nothing to say and no advice to any one.

Whether any violence which will render military interference necessary shall occur, depends upon so many contingencies that I am not prepared to give any opinion except to say that if these officers attempt to take their office, I have no doubt whatever that it will be necessary to protect them. The three who have gone to New Orleans to take their seats as members of the legislature, beyond doubt could not safely return here now. Outside of the officers named above, there is no one left here to do violence upon. The leading radicals have left. The usual worrying and harassing of the negroes goes on with little intermission, but lately no acts of violence to person have come to my knowledge; such acts now are confined to plundering them, with or without some show of legal forms, and driving them from their homes to seek places to live elsewhere. The conflict for the offices, whether conducted by peaceable legal means or by violence, will stop what little legal check now exists upon crime and wrong-doing, and will greatly aggravate the condition of things, which is already serious enough, but I do not apprehend that it will result in extended disorder at present, because there is nothing left to work upon except the commoner orders, and partly because the leading White-Leaguers have gone to New Orleans.

I am, sir, very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

[Telegram received in cipher January 6, 1875, from Lieut. Gen. P. H. Sheridan; dated New Orleans, La., January 5, 1875.]

W. W. BELKNAP,
Secretary of War:

There is some excitement in the rotunda of the Saint Charles Hotel to-night upon the publication by the newspapers of my dispatch to you calling the secret armed organization banditti. Give yourself no uneasiness. I see my way clear enough if you will only have confidence.

P. H. SHERIDAN,
Lieutenant-General, U. S. A.

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[Telegram.]

WAR DEPARTMENT,
Washington City, January 6, 1875.

Gen. P. H. SHERIDAN,
New Orleans, La.:

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

WM. W. BELKNAP,
Secretary of War.

[Telegram.]

WAR DEPARTMENT,
Washington, January 6, 1875.

Gen. P. H. SHERIDAN,
New Orleans, La.:

I telegraphed you hastily to-day, answering your dispatch. You seem to fear that we had been misled by biased or partial statements of your acts. Be assured that the President and Cabinet confide in your wisdom and rest in the belief that all acts of yours have been and will be judicious. This I intended to say in my brief telegram.

WM. W. BELKNAP,
Secretary of War.

[Telegram dated New Orleans, La., January 6, 1875. Received January 6, 1875.]

Gen. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

The city is very quiet to-day. Some of the banditti made idle threats last night that they would assassinate me because I dared to tell the truth. I am not afraid, and will not be stopped from informing the Government that there are localities in this department where the very air has been impregnated with assassination for several years.

P. H. SHERIDAN,
Lieutenant-General Commanding.

[Telegram dated New Orleans, La., January 7, 1875. Received January 7, 1875.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Several prominent people have for the last few days been passing resolutions and manufacturing sensational protests for northern political consumption. They seem to be trying to make martyrs of themselves; it cannot be done at this late day; there have been too many bleeding negroes and ostracised white citizens for their statements to be believed by fair-minded people. Bishop Wilmer protests against my telegram of the 4th instant, forgetting that on Saturday last he testified under oath before the congressional committee that the condition of affairs here was substantially as bad as reported by me. I will soon send you a statement of the number of murders committed in this State during the last three or four years, the perpetrators of which are still unpunished. I think that the number will startle you; it will be up in the thousands. The city is perfectly quiet. No trouble is apprehended.

P. H. SHERIDAN,
Lieutenant-General, U. S. A.

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NEW ORLEANS, LA., *January* 7, 1875.

Gen. W. W. BELKNAP,
Secretary of War, Washington:

The following illustrates the action of the banditti in this State, in kidnapping a member-elect of the legislature.

P. H. SHERIDAN,
Lieutenant-General.

About 10 o'clock Thursday morning, A. J. Cousin and his father arrived in this city from Covington, Saint Tammany Parish. His statement is as follows: I was standing near the old basin, corner of Carondelet walk and Claiborne street, between 8 and 9 o'clock on Saturday morning, when I saw two men coming toward me, who told me I was their prisoner. I asked them what for. They told me to walk with them and they would tell me. One of them was Jim Poole, a merchant of Covington; the other man was a stranger to me. I asked them to let me go and tell Mr. Juno, a brick merchant on the basin, that I was arrested, so that he could inform my family, which they refused, saying they did not want me to speak to or see any one. From there they walked me straight to the parish prison and delivered me over to Capt. Floyd Flood, or some name like that, and the captain put me in the prison and had me locked up about ten minutes, when he called me and had me handcuffed by the order of Poole; they then put me in a carriage and Poole and three strange men took me to the lake end, where we arrived about noon; a few minutes after we arrived there Mr. Poole took my handcuffs off and sent the carriage back. They kept me there all day between the lake and the old basin until about four o'clock in the afternoon, when they put me in the hold of the boat called the Camelia. They told me the reason they put me there was that they did not want me to see or speak to anybody. I was kept inside the hold till the boat left the wharf. The gentlemen who arrested me told me that if ten policemen came to take me away from them they could not, as they were armed and would fight them if necessary. After the boat left the wharf I was allowed to come on deck. While on the boat I was treated well, was given something to eat and asked to take a drink and a cigar. Budd Hosmer, of Saint Tammany, I recognized among the men on the boat who had charge of me when the boat arrived at Mandeville.

I was taken charge of by about fifteen or twenty men, armed with muskets and fixed bayonets; most of them I knew; they told me not to be afraid, as they were not going to hurt me.

Mr. Ben. Hosmer and another gentleman took me in a carriage with two other gentlemen, when I was driven to Covington, the armed men following behind us on horseback to Covington, ten miles from Mandeville, where we arrived between eight and nine at night. The lieutenant of the company, Charley Bradley, told me that if I would not try to run away they would not hurt me. I was at first kept in a room at Mr. Thomas Lacroix's house, until Sunday afternoon at four o'clock, when they took me under guard to the court-house of Covington. They treated me well, and took me out with them, but would not allow me to see or talk with any of my friends for twenty-four hours. After refusing my father four times this request, they at last allowed him to see me. At noon on Monday two men took me into the country nine miles from Covington. The men were armed with revolvers. They said if any one attempted to take me away from them they would fight

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or kill me before they would let them have me. If any soldiers came for me, they said they would run me into Washington Parish. They said they had nothing against me, and that when the legislature organized they would let me go. I was not at any time in charge of any sheriff or deputy sheriff of Saint Tammany. On Tuesday afternoon, about two o'clock, news was received of the organization of Penn's militia. Said Cousin, "You are free; only you have got to come with me before the justice of the peace, to answer the charge of embezzlement against you, when we will go your bond." They then took me before Justice Lee, when Mr. Picayune Smith made a charge of embezzlement against me, of taking fifteen dollars is parish-warrants while I was tax-collector, two years ago. These warrants are worth twenty cents on the dollar. I was the collector only two days, and settled up everything. I had no lawyer, and the case was remanded to the parish court. I was placed under bond of $500 to appear. Lieutenant Bradley, Benjamin Hosmer, and Willis Arker went my security. Yesterday, at half past four o'clock, I left Covington for Mandeville, and arrived here at ten o'clock this morning.

[No signature.]

[Telegram, dated headquarters Military Division of the Missouri, New Orleans, La., January 8, 1875.—Received 3 a. m.]

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I have the honor to submit the following brief report of affairs as they occurred here in the organization of the State legislature on January 4, 1875. I was not in command of this military department until 9 o'clock at night on the 4th instant, but I fully indorse and am willing to be held responsible for the acts of the military as conservators of the public peace upon that day. During the few days in which I was in the city prior to the 4th of January, the general topic of conversation was the scenes of bloodshed that were liable to occur on that day, and I repeatedly heard threats of assassinating the governor, and regrets expressed that he was not killed on the 14th of September last; also threats of the assassination of republican members of the house, in order to secure the election of a democratic speaker. I also knew of the kidnaping by the banditti of Mr. Cousinier, one of the members-elect of the legislature. In order to preserve the peace and to make the State-house safe for the peaceful assembling of the legislature, General Emory, upon the requisition of the governor, stationed troops in the vicinity of the building. Owing to these precautions the legislature assembled in the State-house without any disturbance of the public peace. At 12 o'clock William Vigers, the clerk of the last house of representatives, proceeded to call the roll as according to law he was empowered to do. One hundred and two legally-returned members answered to their names; of this number fifty-two were republican, and fifty were democrats. Before entering the house, Mr. J. A. Wiltz had been selected in caucus as the democratic nominee for speaker, and Mr. Michael Hahn as the republican nominee. Vigers had not yet finished announcing the result, when one of the members, Mr. Billican, of Lafourche, nominated Mr. J. A. Wiltz for temporary speaker. Vigers promptly declared the motion out of order at that time, when some one put the question, and, amid the cheers of the democratic side of the house, Mr. Wiltz dashed on to the rostrum, pushed aside Mr. Vigers, seized

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the speaker's chair and gavel, and declared himself speaker. A protest against this arbitrary and unlawful proceeding was promptly made by members of the majority, but Wiltz paid no attention to their protests, and, upon a motion from some one on the democratic side of the house, declared one Trezevant nominated and elected clerk of the house. Mr. Trezevant at once sprang forward, and occupied the clerk's chair amidst the wildest confusion over the whole house. Wiltz then again, on another nomination from the democratic side of the house, declared one Flood elected sergeant-at-arms, and ordered that a certain number of assistants be appointed. Instantly a large number of men throughout the hall, who had been admitted on various pretexts, such as reporters, members' friends, and spectators, turned down the lapels of their coats, upon which were pinned blue ribbon badges, on which were printed, in gold letters, the words "Assistant sergeant-at-arms," and the assembly was in the possession of the minority, and the White League of Louisiana had made good its threats of seizing the house; many of the assistant sergeants-at-arms being well known as captains of White League companies in this city. Notwithstanding the suddenness of this movement, the leading republican members had not failed to protest again and again against this revolutionary action of the minority, but all to no purpose, and many of the republicans rose and left the house in a body, together with the clerk, Mr. Vigers, who carried with him the original roll of the house, as returned by the secretary of state. The excitement was now very great. The acting speaker directed the sergeant-at-arms to prevent the egress or ingress of members or others, and several exciting scuffles, in which knives and pistols were drawn, took place, and for a few moments it seemed that bloodshed would ensue. At this juncture Mr. Dupre, a democratic member for the parish of Orleans, moved that the military power of the General Government be invoked to preserve the peace, and that a committee be appointed to wait upon General De Trobriand, the commanding officer of the United States troops stationed at the State-house, and request his assistance in clearing the lobby. The motion was declared adopted, a committee of five, of which Mr. Dupre was made chairman, was sent to wait upon General De Trobriand, and soon returned with that officer, who was accompanied by two of his staff officers. As General De Trobriand walked down to the speaker's desk loud applause burst from the democratic side of the house. General De Trobriand asked the acting speaker if it was not possible for him to preserve order without appealing to him as a United States Army officer. Mr. Wiltz said it was not. Whereupon the general proceeded to the lobby, and, addressing a few words to the excited crowd, peace was at once restored. On motion of Mr. Dupre, Mr. Wiltz then, in the name of the general assembly of the State of Louisiana, thanked General De Trobriand for his interference in behalf of law and order, and the general withdrew. The republicans had now generally withdrawn from the hall and united in signing a petitition to the governor, stating their grievances and asking his aid, which petition, signed by fifty-two legally-returned members of the house, is in my possession. Immediately subsequent to the action of Mr. Wiltz in ejecting the clerk of the old house, Mr. Billieu moved that two gentlemen from the parish of De Soto, one from Winn, one from Bienville, and one from Iberia, who had not been returned by the returning-board, be sworn in as members, and they were accordingly sworn in by Mr. Wiltz and took seats upon the floor as members of the house. A motion was now made that the house proceed with

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its permanent organization, and accordingly the roll was called by Mr. Trezevant, the acting clerk, and Wiltz declared elected speaker and Trezevant clerk of the house. Acting on the protest made by the majority of the house, the governor now requested the commanding general of the department to aid him in restoring order, and enable the legally-returned members of the house to proceed with its organization according to law. This request was reasonable and in accordance with law. Remembering vividly the terrible massacre that took place in the city on the assembling of the constitutional convention in 1866, at the Mechanics' Institute, and believing that the lives of the members of the legislature were or would be endangered in case an organization under the law was attempted, the posse was furnished, with the request that care should be taken that no member of the legislature returned by the returning-board should be ejected from the floor. This military posse performed its duty, under directions from the governor of the State, and removed from the floor of the house those persons who had been illegally seated, and who had no legal right to be there, whereupon the democrats rose and left the house, and the remaining members proceeded to effect an organization under the State laws. In all this turmoil, in which bloodshed was imminent, the military posse behaved with great discretion. When Mr. Wiltz, the usurping speaker of the house, called for troops to prevent bloodshed, they were given him. When the governor of the State called for a posse for the same purpose, and to enforce the law, it was furnished also. Had this not been done, it is my firm belief that scenes of bloodshed would have ensued.

P. H. SHERIDAN,
Lieutenant-General.

[Telegram.]

NEW ORLEANS, *January* 10, 1875—11.30 p. m.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Since the year 1866, nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded. From 1868 to the present time, no official investigation has been made, and the civil authorities in all but a few cases have been unable to arrest, convict, and punish perpetrators. Consequently, there are no correct records to be consulted for information. There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time, on account of their political sentiments. Frightful massacres have occurred in the parishes of Bossier, Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them. The isolated cases can best be illustrated by the following instances, which I take from a mass of evidence now lying before me of men killed on account of their political principles. In Natchitoches Parish, the number of isolated cases reported is thirty-three. In the parish of Bienville, the number of men killed is thirty. In Red River Parish the isolated cases of men killed is thirty-four. In Winn Parish the number of isolated cases where men were killed is fifteen. In Jackson Parish the number killed is twenty, and in Cata-

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houla Parish the number of isolated cases reported where men were killed is fifty, and most of the country parishes throughout the State will show a corresponding state of affairs. The following statements will illustrate the character and kind of these outrages. On the 30th of August, 1874, in Red River Parish, six State and parish officers, named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, were taken, together with four negroes, under guard to be carried out of the State, and were deliberately murdered on the 29th of August, 1874. The White League tried, sentenced, and hung two negroes on the 28th of August, 1874. Three negroes were shot and killed at Brownsville, just before the arrival of the United States troops in this parish. Two White Leaguers rode up to a negro-cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back and killed him. The courts were all broken up in this district, and the district judge driven out. In the parish of Caddo, prior to the arrival of the United States troops, all of the officers at Shreveport were compelled to abdicate by the White League, which took possession of the place. Among those obliged to abdicate were Walsh, the mayor, Rapers, the sheriff, Wheaton, clerk of the court, Durant, the recorder, and Ferguson and Renfro, administrators. Two colored men, who had given evidence in regard to frauds committed in the parish, were compelled to flee for their lives, and reached this city last night, having been smuggled through in a cargo of cotton. In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court; and they have compelled the parish and district courts to suspend operations. Judge Baker states that the White Leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.

They also tried to intimidate him through his family by making the same threats to his wife, and when told by him that he was a United States commissioner, they notified him not to attempt to exercise the functions of his office. In but few of the country parishes can it be truly said that the law is properly enforced, and in some of the parishes the judges have not been able to hold court for the past two years. Human life in this State is held so cheaply, that when men are killed on account of political opinions, the murderers are regarded rather as heroes than as criminals in the localities where they reside, and by the White League and their supporters. An illustration of the ostracism that prevails in the State may be found in a resolution of a White League club in the parish of De Soto, which states, "That they pledge themselves under (no?) circumstances after the coming election to employ, rent land to, or in any other manner give aid, comfort, or credit, to any man, white or black, who votes against the nominees of the white man's party." Safety for individuals who express their opinion in the isolated portions of this State has existed only when that opinion was in favor of the principles and party supported by the Ku-Klux and White League organizations. Only yesterday Judge Myers, the parish judge of the parish of Natchitoches, called on me upon his arrival in this city, and stated that in order to reach here alive, he was obliged to leave his home by stealth, and after nightfall, and make his way to Little Rock, Ark., and come to this city by way of Memphis. He further states that while his father was lying at the point of death in the same village, he was unable to visit him for fear of assassination, and yet he is a native of the parish, and proscribed for his political sentiments only

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It is more than probable that if bad government has existed in this State it is the result of the armed organizations, which have now crystallized into what is called the White League; instead of bad government developing them, they have by their terrorism prevented to a considerable extent the collection of taxes, the holding of courts, the punishment of criminals, and vitiated public sentiment by familiarizing it with the scenes above described. I am now engaged in compiling evidence for a detailed report upon the above subject, but it will be some time before I can obtain all the requisite data to cover the cases that have occurred throughout the State. I will also report in due time upon the same subject in the States of Arkansas and Mississippi.

P. H. SHERIDAN,
Lieutenant-General.

The following is from the platform adopted by the White League in Saint Mary, on the 13th of July:

We enter into and form this League for the protection of our own race against the daily-increasing encroachments of the negro, and are determined to use our best endeavors to purge our legislative, judicial, and ministerial offices from such a horde of miscreants as now assume to lord it over us.

That to accomplish this end we solemnly *pledge* our honor to each other *to give our hearty support to all that this League may determine* by a majority of votes cast at any regular meeting, and to aid to the utmost of our ability in carrying out *such measures as it may adopt.*

That we do not reject or condemn any white man for his political opinions, *so that he join us* in the one grand object we may have in view.

The following is from the platform of the White League, adopted at Alto on the 11th of July:

That we regard it the sacred and political duty of every member of this club to discountenance and socially proscribe all white men who unite themselves with the radical party; and to supplant every political opponent in all his vocations by the employment and support of those who ally themselves with the white man's party; and we pledge ourselves to exert our energies and use our means to the consummating of this end.

The following resolution was adopted at the White League convention at Franklin on the 1st of August:

Resolved, That it is the sense of this convention that every member of the White League organization is in honor and duty bound zealously to support and vote for each and every regular nominee of the organization, to the exclusion of all other candidates or persons whatever.

The following is from the Enterprise of the 6th of August, published at Franklin, Saint Mary Parish:

We ask for no assistance; we protest against any intervention. * * * We own this soil of Louisiana, by virtue of our endeavor, as a heritage from our ancestors, and it is ours, and ours alone. Science, literature, history, art, civilization, and law belong alone to us, and not to the negroes. They have no record but barbarism and idolatry, nothing since the war but that of error, incapacity, beastliness, voudouism, and crime. Their right to vote is but the result of the war, their exercise of it a monstrous imposition, and a vindictive punishment upon us for that ill-advised rebellion.

Therefore are we banding together in a White League army, drawn up only on the defensive, exasperated by continual wrong, it is true, but acting under Christian and high-principled leaders, and determined to defeat these negroes in their infamous design of depriving us of all we hold sacred and precious on the soil of our nativity or adoption, or perish in the attempt.

Come what may, upon the radical party must rest the whole responsibility of this conflict, and as sure as there is a just God in heaven, their unnatural, cold-blooded, and revengeful measures of reconstruction in Louisiana *will meet with a terrible retribution.*

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The following is from the Natchitoches Vindicator of July 18th, addressed to colored citizens:

The white people *intend* to carry the State election this fall; this *intention is deliberate and unalterable, from the fact that their very existence depends upon it*, and that you may enjoy the blessings which will naturally follow such an event, blessings made doubly sweet when you know you were partly instrumental in bringing them about, we desire your co-operation, and we simply ask you, will you assist us in redeeming your State from the degradation and ruin she now is in, or will you follow still the advice of those who have placed her thus? Take time to answer it, and let your mind, should you decide affirmatively, be at rest for your future welfare and happiness. We propose to do for you more than any party has yet done for you. On the other hand, should you imagine that the teaching of your former rulers is correct, and you elect to *attempt*, for it will only be an attempt, to continue their rule, *then you must take the consequences. For we tell you now, and let it be distinctly remembered that you have fair warning, that we intend to carry the State of Louisiana in November next, or she will be a military Territory.*

The following is from the Minden Democrat:

The remedy for all the evils that afflict our State, and every Southern State under negro and carpet-bag rule, is very simple. The incendiaries who flood our country at the approach of every election must be looked after; the proceedings of midnight gatherings in dark and gloomy places must be known. Incendiary teachings of the carpet-baggers and scallawags to inflame the minds of the negroes must not be tolerated again.

The following is from the Mansfield Reporter of July 4th and July 11th:

There is nothing to be gained by pleadings or concessions, but everything is within our reach, if we will move forward and grasp it. *Let our actions be such that everybody will know what we want, and let them see that we are in earnest and are determined to carry out the programme, regardless of the consequences.*

The lines must be drawn at once, before our opponents are thoroughly organized, for by this means we will prevent many milk-and-cider fellows from falling into the enemy's ranks. While the white man's party guarantees the negro all of his present rights, *they do not intend that white carpet-baggers and renegades shall be permitted to organize and prepare the negroes for the coming campaign.* Without the assistance of these villains the negroes are totally incapable of effectually organizing themselves, and unless they are previously excited and drilled, *one-half of them will not come to the polls*, and a large per cent. of the remainder *will vote the white man's ticket.*

The following is from the Alexandria Democrat of July 15:

The people have determined that the Kellogg government has to be gotten rid of, and they will *not scruple about the means*, as they have done in the past.

The following is from the Shreveport Times of July 29:

There has been some red-handed work done in this parish that was necessary, but it was evidently done by cool, determined, and just men, who knew just how far to go, and we doubt not if the same kind of work is necessary it will be done.

We say again that we *fully, cordially, approve* what the white men of Grant and Rapides did at Colfax; the white man who does not is a creature so base that he shames the worst class of his species. We say, again, we are going to carry the elections in this State next fall.

If the Federal Government again strikes them down then let the infamy of the deed rest upon the shameless despotism that has arisen out of the malignancy and hate of the northern people, beneath whose withering influence no sentiment of liberty can survive; under whose policy of meanness, cowardice, and hate, every community that does not worship it must be trampled in the dust, and every civilization that does not pay tribute to it blasted by its curse.

The following is from the Shreveport Times of August 5:

It has been charged that the white man's party expects to achieve success by intimidation. *This is strictly true.* We intend to succeed by intimidation, and we place little confidence in our numerical strength as shown in the figures above given from the ninth census. We rely for success solely upon intimidation—but not that intimidation which is the result of violence and bloodshed; our weapons are not to be improved rifles and six-shooters; the intimidation we propose to win by, is that which a great and just cause inspires in its opponents; the intimidation which intellect, virtue, and

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all the manly qualities exercise over ignorance, superstition, and human depravity; the intimidation with which the spread banners of a triumphant civilization fills the hearts of its foes, and with which the cross of Christianity strikes the howling dervishes of brutal superstition.

THE INFAMOUS DEAD.

Our dispatches this morning contain the gratifying intelligence that the infamous wretch, DeKlyne, is dead. Of all the low and dirty beasts that radicalism has imposed upon Louisiana, this scoundrel was the meanest and lowest.

Some squeamish people may think that now the fellow is dead, he should not be abused. We think differently; such men are a disgrace to humanity, and, alive or dead, their infamy should be held up to the execration of the world, and the youth of the country taught to loathe and despise their memory.

The following is from the Shreveport Times of July 9:

If a single hostile gun is fired between the whites and blacks in this and surrounding parishes, *every carpet-bagger and scallawag that can be caught, will, in twelve hours therefrom, be dangling from a limb.* We do not say this is a spirit of braggadocio; we say it in the interest of peace, and we know what we are talking about.

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43D CONGRESS, 2d Session. | SENATE. | Ex. DOC. No. 14.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

His approval of the act providing for the resumption of specie-payments, and suggesting further legislation to carry that law into effect.

JANUARY 14, 1875.—Referred to the Committee on Finance and ordered to be printed.

To the Senate of the United States:

Senate bill No. 1044, "to provide for the resumption of specie-payments," is before me, and this day receives my signature of approval.

I venture upon this unusual method of conveying the notice of approval to the "house in which the measure originated," because of its great importance to the country at large, and in order to suggest further legislation which seems to me essential to make this law effective.

It is a subject of congratulation that a measure has become law which fixes a date when specie resumption shall commence, and implies an obligation on the part of Congress—if in its power—to give such legislation as may prove necessary to redeem this promise.

To this end, I respectfully call your attention to a few suggestions:

First. The necessity of an increased revenue to carry out the obligation of adding to the sinking-fund annually one per cent. of the public debt, amounting now to about thirty-four millions of dollars per annum, and to carry out the promises of this measure to redeem, under certain contingencies, eighty millions of the present legal tenders, and, without contingency, the fractional currency now in circulation.

How to increase the surplus revenue is for Congress to devise, but I will venture to suggest the duty on tea and coffee might be restored without permanently enhancing the cost to the consumers, and that the ten per cent. horizontal reduction of the tariff on articles specified in the law of June 6, 1872, be repealed. The supply of tea and coffee already on hand in the United States would in all probability be advanced in price by adopting this measure. But it is known that the adoption of free entry to those articles of necessity did not cheapen them, but merely added to the profits of the countries producing them, or of the middle men in those countries, who have the exclusive trade in them.

Second. The first section of the bill now under consideration provides that the fractional currency shall be redeemed in silver coin as rapidly as practicable. There is no provision preventing the fluctuation in the value of the paper-currency. With gold at a premium of anything over 10 per cent. above the currency in use, it is probable, almost certain, that silver would be bought up for exportation as fast as it was put out, or until change would become so scarce as to make the premium on it equal to the premium on gold, or sufficiently high to make it no longer profitable to buy for export, thereby causing a direct loss to the community at large and great embarrassment to trade.

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As the present law commands final resumption on the first day of January, 1879, and as the gold receipts by the Treasury are larger than the gold payments and the currency receipts are smaller than the currency payments, thereby making monthly sales of gold necessary, to meet currency expenses, it occurs to me that these difficulties might be remedied by authorizing the Secretary of the Treasury to redeem legal-tender notes whenever presented in sums not less than one hundred dollars and multiples thereof, at a premium for gold of ten per cent., less interest at the rate of two and one-half per cent. per annum from the 1st day of January, 1875, to the date of putting this law into operation, and diminishing this premium at the same rate until final resumption, changing the rate of premium demanded from time to time as the interest amounts to one-quarter of one per cent. I suggest this rate of interest because it would bring currency at par with gold at the date fixed by law for final resumption. I suggest ten per cent. as the demand premium at the beginning, because I believe this rate would insure the retention of silver in the country for change.

The provisions of the third section of the act will prevent combinations being made to exhaust the Treasury of coin.

With such a law it is presumable that no gold would be called for not required for legitimate business purposes. When large amounts of coin should be drawn from the Treasury, corresponding large amounts of currency would be withdrawn from circulation, thus causing a sufficient stringency in currency to stop the outward flow of coin.

The advantages of a currency of a fixed known value would also be reached. In my opinion, by the enactment of such a law, business and industries would revive, and the beginning of prosperity on a firm basis would be reached.

Other means of increasing revenue than those suggested should probably be devised, and also other legislation.

In fact, to carry out the first section of the act, another mint becomes necessary. With the present facilities for coinage, it would take a period probably beyond that fixed by law for final specie resumption to coin the silver necessary to transact the business of the country.

There are now smelting-furnaces for extracting the silver and gold from the ores brought from the mountain Territories, in Chicago, Saint Louis, and Omaha—three in the former city—and as much of the change required will be wanted in the Mississippi Valley States, and as the metals to be coined come from west of those States, and, as I understand, the charges for transportation of bullion from either of the cities named to the Mint in Philadelphia, or to New York City, amount to four dollars for each one thousand dollars' worth, with an equal expense for transportation back, it would seem a fair argument in favor of adopting one or more of those cities as the place or places for the establishment of new coining facilities.

I have ventured upon this subject with great diffidence, because it is so unusual to approve a measure—as I most heartly do this, even if no further legislation is attainable at this time—and to announce the fact by message. But I do so because I feel that it is a subject of such vital importance to the whole country that it should receive the attention of, and be discussed by, Congress and the people through the press, and in every way, to the end that the best and most satisfactory course may be reached of executing what I deem most beneficial legislation on a most vital question to the interests and prosperity of the nation.

U. S. GRANT.

EXECUTIVE MANSION, *January* 14, 1875.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 15.

LETTER

FROM

THE SECRETARY OF WAR,

COMMUNICATING

Copy of a telegram from the commanding general of the military Department of the Pacific, in relation to the length of time of retention of military prisoners, under section 23, act of January 30, 1834.

JANUARY 14, 1875.—Referred to the Committee on the Judiciary and ordered to be printed.

WAR DEPARTMENT, *January* 13, 1875.

The Secretary of War has the honor to transmit to the United States Senate copy of telegram dated the 11th instant, from the commanding general, military Division of the Pacific, relative to decision of the United States district justice at Portland, Oreg., relative to the time of retention of prisoners by the military, under section 23, act of January 30, 1834, and to request, for the reasons stated therein, that the necessary legislation be had to extend time, so as to enable the United States to execute the requirements of sections 20 and 21 of the act referred to.

WM. W. BELKNAP,
Secretary of War.

[By telegram, dated San Francisco, January 11, 1875.]

To ADJUTANT-GENERAL United States Army:

The following dispatch received from General Howard:

"PORTLAND, OREG., *January* 7, 1875.

"United States district justice decides military authorities can't hold prisoners beyond five days under section 23, act of January 30, 1834; can't get prisoners from Sitka before civil authorities here under from thirty to sixty days. Please ask for legislation extending the time so as to give reasonable time to bring prisoners to Portland and deliver to United States marshal. This action necessary to enable United States to execute requirements of sections 20 and 21 of said act."

J. M. SCHOFIELD,
Major-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 12, 1875.

Official copy:

E. D. TOWNSEND,
Adjutant-General.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 16.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

SUBMITTING,

In compliance with a Senate resolution of June 11, 1874, *information respecting assay-offices at Portland, Oreg., and Boise City, Idaho.*

JANUARY 18, 1875.—Referred to the Committee on Finance and ordered to be printed.

TREASURY DEPARTMENT,
Washington, D. C., January 6, 1875.

SIR: On the 11th of June, 1874, the Senate passed the following resolution, viz:

That the Secretary of the Treasury be instructed to inquire and report at the next session of Congress, as to the necessity of an assay-office at Portland, Oreg.; and, if there is such a necessity, whether a construction of the same, or purchase from the owners of the present private assay-office, would be most expedient; and also as to the expediency of removing or abolishing the assay-office at Boise City, Idaho.

The inquiry contemplated by the above resolution has been made, and the following facts ascertained.

The entire bullion-product of Oregon and a considerable portion of that of Northern Idaho find their way to the San Francisco market, either in the form of unrefined bars or the original dust, and are there either coined or exported.

The receipts from Oregon and Northern Idaho reached at one time as high as $8,000,000 per annum, but the amount has annually decreased until it does not exceed at the present time $1,500,000, about two-thirds of which amount, it is estimated, is marketed at Portland, and as no material increase in the production of bullion from the mines of that section of the country is anticipated, there does not, in my opinion, exist any necessity for establishing an assay-office at Portland.

A suitable assay-office having been erected, fitted up, and put in operation at Boise, Idaho, it may as well be continued, but the expense of conducting it should be limited to $7,500 per annum.

I have the honor to be, sir, very respectfully,

B. H. BRISTOW,
Secretary of the Treasury.

Hon. HENRY WILSON,
President United States Senate.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 17.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In answer to a Senate resolution of January 11, 1875, *copies of correspondence relative to certain disorders in the State of Louisiana.*

JANUARY 25, 1875.—Referred to the Committee on Privileges and Elections and ordered to be printed.

WAR DEPARTMENT,
January 22, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in compliance with the resolution of the Senate of the 11th instant, copies of correspondence relative to certain disorders in the State of Louisiana.

WM. W. BELKNAP,
Secretary of War.

COPIES OF CORRESPONDENCE RELATIVE TO CERTAIN DISORDERS IN LOUISIANA, PREPARED UNDER RESOLUTION OF THE UNITED STATES SENATE, DATED JANUARY 11, 1875.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 21, 1875.

Official:

E. D. TOWNSEND,
Adjutant-General.

PART I.

Reports and communications of Major Lewis Merrill, Seventh Cavalry, United States Army, relative to disorders in certain parts of Louisiana embraced within the limits of his command.

[Telegram.]

Received in cipher at the Adjutant-General's Office, October 25, 5.50 p. m., 1874, from General W. H. Emory, commanding Department Gulf.

DATED NEW ORLEANS, LA.,
October 25, 1874.

To ADJUTANT-GENERAL *United States Army, Washington, D. C.:*

An inquiry was made of Major Merrill yesterday in regard to his reported action in personally appearing and making affidavits against

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parties in Shreveport for alleged violations of the act approved November 20, 1872, but no answer received. This action, as reported, was taken without orders either given by me or by higher authority. Being an innovation of the customs of service, inviting future controversy, I submit the question for the decision of the War Department before approving or disapproving his action.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Telegram.]

DATED HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, October 26, 1874. (Received 2.56 p. m.)

To ADJUTANT-GENERAL *of the Army, Washington, D. C.:*

Referring to my telegram in cipher of yesterday, Major Merrill informs me that, having no cipher, he thinks it necessary to answer by mail. I send copy of my reply to him, and suggest that a cipher be sent him. The dispatch is as follows: "In the absence of cipher use mail, as you propose, for your report. The department commander was under the impression, derived from your own statement, that you had a cipher, or he would, as he will now do, suggest to the Adjutant-General that one be sent you. The Government at Washington has the right to exercise control over the official acts of its officers, and to this end, and without any reference to previous action, which cannot be known until your report is received, the department commander directs that in any case where you design going outside of instructions, or departing from established usages of the Army, you shall first consult these headquarters; and in cases where circumstances may force you to such departure, that you immediately report."

Acknowledge receipt.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Cipher telegram.]

Received October 27, 1874, from headquarters Department Gulf.

DATED NEW ORLEANS, *October* 26, 1874.

To ADJUTANT-GENERAL *United States Army:*

I have telegraphed Major Merrill that the reported arrests at Shreveport, on affidavits made by him, are exciting much discussion and comment, and are mischievous in their effect, and that the circumstances which would justify him in departing from an established rule of service and appearing personally as a prosecutor must be peculiar, and such as cannot be anticipated by department commander in absence of his report.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

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[Telegram.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 27, 1874.

Col. W. H. EMORY, *United Siates Army,*
Commanding Department of the Gulf, New Orleans, La.:

Your cipher dispatches of 25th and 26th and one referring to them of 26th, (relating to Major Merrill,) received. The President prefers to await report on subject of former before giving decision; meantime your action seems perfectly proper.

E. D. TOWNSEND,
Adjutant-General.

[Cipher telegram.]

Received October 27, 1874, from New Orleans, La.

DATED OCTOBER 27, 1874.

To ADJUTANT-GENERAL *United States Army :*

Notwithstanding its length, in justice to Major Merrill I send his statement of the case at Shreveport, my own views, as given in cipher yesterday, being unchanged; but I give no orders in the case and no reply except to call to Major Merrill's notice that my telegrams to him, copies of which you have, show no distrust of his ability or intention to remove him.

W. H. EMORY,
Colonel and Brevet-Major-General, Commanding.

[Telegram.]

DATED HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., Ten, 27, 1874. (Received 12.58 p. m.)

To ADJUTANT-GENERAL *United States Army, Washington, D. C.:*

The following, received last night, is the dispatch that I refer to in my cipher of this date:

SHREVEPORT, *October* 26, 1874.

To ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of Gulf, New Orleans:

Telegram received. If what I have already seen is a fair sample of discussion and comment, can only say that it is based on falsehood. I expect abuse, as a matter of course. The facts are that only five arrests have been made; that no more than these were even contemplated; that this was the only course which promised to prevent future trouble; that neither myself nor any other officer or soldier was present at either the arrests or hearing; that the effect has been in the highest degree valuable here in restoring respect for law, and promises to prevent bloodshed. Whatever mischief is done elsewhere, is not by the facts, but by the falsehood of the White League leaders in regard to it. No civil authority or machinery of any kind, local, State, or national, has for a long time existed here, and the community was fast drifting into a state where any uncontrolled lunatic could set a match to the mine. My action was taken to set civil functions going and restore respect for civil law, to remind community that this was not a state of war. My name was appended to affidavit, because any one else who signed it would have been killed, and not to constitute myself prosecutor, which I have not done. In view of all the facts, I say that not only have I not done wrong or made any mistake, but I would have been grossly lacking in foresight, prudence, and ability to cope with difficult circumstances had I

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failed to act as I have. I beg to be understood that I obey every order and suggestion with alacrity. This is a difficult position, and not of my own seeking; if my ability to conduct this command is doubted, I would be only too glad to be relieved of a great responsibility which I did not seek, but shall not shirk. This is said without the least feeling save wish to relieve the commanding general of any embarrassment he might feel in taking that course.

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

W. H. EMORY,
Col. and Brt. Maj. Gen., Commanding.

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, La., October 25, 1874.

SIR: The following report will show the status of affairs here, and the course which, upon full consideration of all facts which within my knowledge should influence my judgment, I had decided upon as the one best calculated to avoid the necessity of any intervention of the military, and to prevent the present hot excitement from precipitating a conflict. The purpose of the leaders is beyond doubt, and so confessed, to force the United States Government to overthrow the local government of this State and substitute for it a military government. It is needless for me to discuss the folly of the ideas entertained by these men; it is the *fact* that they are fully possessed with the notion that they can succeed in this by forcing a conflict. Finding, in part from their own statements to me, that this was the determination of the leaders here, I at once determined to take such measures as would, if possible, thwart their purpose and avoid any future need of even apparent interference, least of all any open conflict.

The leaders here are some half-dozen reckless, passionate men of broken fortune, who miss no chance to foment trouble, and whose whole time is occupied in setting afloat disturbing rumors and blowing into a flame every ember of sensation and excitement which they find. Of them the chief man is one A. H. Leonard, the major-general for this part of the State of the McEnery militia. He is a reckless but shrewd man, hopelessly involved, and with only one hope, that in a storm he may come to the surface. The others are more or less of his character, but lacking his ability, and are merely puppets in his hands. Following these men are a large class of white men who, while not bad citizens or generally disposed to do wrong, are influenced in a great measure by passion kept hot by the leaders, and who are not permitted by them to stop and think of the consequences of their acts. Another large class who in case of trouble would be involved with these is composed of men who simply follow because such is the apparent drift of public opinion.

The three classes include the large majority of the white people in this section.

There was, to my mind, after careful review of all the facts, but one thing that would prevent a bloody conflict on the day of the election, which was to take some measures which should sharply call to the minds of the followers of these reckless men the existence of the authority of the national Government, which, in the last event, would, at all hazards, protect every citizen of the United States in his just rights, and to bring to mind the fact that peaceful, legal measures could, even in times of excitement, be quietly enforced. If a halt could be called in their passionate course, which would give time for thought and

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for the influence of the calmer minds, there was every prospect the leaders would fail of their purpose to precipitate violence.

The opportunity to do this was furnished by a clear violation of the enforcement act, in the publication of an agreement entered into by most of the leading citizens, which is in violation of section 5 of the act of May 31, 1870.

It is to be borne in mind that this whole community is practically an armed mob, governed by a few reckless men, and that for months no such thing as the existence of law, or of any authority save individual will, has been recognized. There has been no attempt even to enforce any law, either local, State, or national, and the whole community seems to have become impressed with the notion that it is practically a state of war, in which all law is to be ignored, and is fast drifting into a state of anarchy, in which any crazy fool could precipitate a condition of things which is fearful to contemplate. It is further to be kept in view that this place is the center of influence and action for the whole district which has been assigned to my command; that as the people here move, so will all North Louisiana move. The leaders undoubtedly have their inspiration from New Orleans, and they in turn inspire this whole section of the State. I cannot insist too strongly that I am not mistaken in the purpose of these men to bring on a bloody conflict if possible—a purpose which is demonstrated not only by the course pursued, but by the open admission of Mr. Leonard to me.

After conversing with a number of the older and more conservative-minded men, who, however, are now practically without influence, I suggested to the United States commissioner, Judge Levisee, that the best method of bringing to mind the existence of authority strong enough to preserve the peace would be to enforce in some conspicuous instances the violated law; that such a course would show before it was too late that this was not a state of war, but that a violated law could be quietly but effectually vindicated, and would, to a great extent, recall the senses of the more prudent people, and bring them to a state of thoughtfulness which would prevent the determination of their leaders from being carried out. He told me very frankly that, while he entirely agreed with my views of the condition of things, and of the only remedy which it was possible to apply, that he would not himself discharge this duty, and that there was no one who could be induced to take the personal risk involved in making the affidavit upon which proceedings could be based; that it would be certain death to any native here to initiate proceedings. After maturely considering the facts, I informed him that I would myself make the affidavit, which I did.

So soon as it was known that such a step had been taken, the leaders were to be seen like bees, working to use this act as a means of fomenting disorder. They overreached themselves, however, in the character of the stories they set afloat, which the event shortly showed to be gross exaggerations. Acting under my advice, the commissioner selected only five of the more conspicuous men involved in the violation of the law, and issued warrants for them. These warrants were not served until the following day, and then quietly, by an unobjectionable deputy marshal, accompanied by a notification to the individuals that it was not intended to subject them to any needless annoyance or mortification, and, therefore, as flight on their part was not anticipated, it was simply expected that they would, of their own motion, go to the office of the commissioner. With a single exception, each of the five did this. The excepted one sought me personally, and, without excite-

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ment or passion, informed me that he objected to the person who served the warrant, but that if even a single private soldier were sent as a posse, he would cheerfully accompany him. I was not present at the hearing before the commissioner, but was informed by him that there was considerable inflammatory talk by Mr. Leonard, who appeared as counsel for those arrested, which, however, amounted to nothing. The hearing was fixed for to-morrow morning, and I have no reason to doubt will be quietly conducted and without difficulty, though doubtless some of the leaders will take the occasion to vent much frothy and inflammatory talk.

I took pains so to advise the commissioner and deputy marshal that the whole matter from the beginning to this stage has baffled the purpose and efforts of the White League leaders to make capital out of it, and has been conducted with perfect quiet and with that appearance of full deliberation which has showed effect already. The excitement is rapidly allaying, and while still very high and fomented in every way by the leaders, promises in a few days to die out. The effect which I anticipated is becoming apparent, and I make no doubt that the final result will be to bring about a state of the public mind which will make it impossible for the leaders to carry out their purpose of bringing on a conflict, for want of material with which to work. Already the advice and counsel of the older and cooler heads in this community is having a hearing, which has for a long time not been the case, and this advice, which is, "Let the law quietly take its course," is having a very noticeable effect on the followers of these reckless leaders. I may misjudge the outcome, but I do not think I do. The final result will be quiet and good order, and an influence which from this as a center will produce a similar effect throughout the district, or at least all that part of it which is influenced from here.

I am well satisfied that had I remained quiet and inactive, there would have been such difficulties on the hands of the Federal authorities as would have taken months to control, and I do not doubt that the day of the election here would have seen a bloody fight, in which I would have been compelled to intervene. I do not offer to predict the result, but I do not hesitate to say that I have taken the only course which promised any success in avoiding the threatened difficulty.

I expected, as a matter of course, that all sorts of sensational telegrams would fly over the country from sources and of a character which are illustrated by those regarding the arrests of the Coushatta murderers. These have their political purpose, and are either wholly lies or grossly exaggerated. But I feel compelled to say that I had hoped there was enough confidence in my discretion and experience in dealing with such a situation as this as to insure that, until otherwise shown, it would be supposed that I have taken no hasty or ill-advised step, and had made no mistake.

Very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

The ASSISTANT ADJUTANT-GENERAL
Department of the Gulf.

I add that the foregoing report is hastily written and hurried to catch the first mail. In reading it over it seems now that I have failed to convey fully the fact that there is absolutely not a single civil officer now discharging his duty here. Even the local police are disbanded, and the police duty done by a body of volunteers who are trustworthily

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stated to be chiefly White Leaguers. The only safety against violence is to impress upon the community the fact that this is not a state of war, although no civil functionaries are acting in their offices.

Very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., October 29, 1874.

Respectfully forwarded to the Adjutant-General of the Army through headquarters Division of the South.

This report certainly shows a most deplorable condition of things in the district of the Upper Red River, and I have telegraphed to Major Merrill that if he wants additional force it shall be sent. I send him that message, although I think the force in this city should not be reduced until after the elections here, and the vote is counted and the result announced, for it is then that trouble is expected.

The two parishes adjacent to Shreveport have a reported excess of fifteen thousand (15,000) black over white population, and with such a preponderance it was naturally a matter of surprise and regret that no one could be found to institute prosecutions looking to their protection but an officer of the Army.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

HEADQUARTERS DIVISION SOUTH,
Louisville, Ky., October 31, 1874.

Respectfully forwarded.

IRVIN McDOWELL,
Major-General, Commanding Division.

HEADQUARTERS OF THE ARMY,
Saint Louis, November 2, 1874.

Respectfully forwarded to the Adjutant-General.
By command of General Sherman.

J. C. AUDENRIED,
Colonel and Aid-de-Camp.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 6, 1874.

Respectfully submitted to the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

HEADQUARTERS DISTRICT OF UPPER RED RIVER,
October 27, 1874.

SIR: Referring to my report of the 25th instant, I have the honor now to add as follows. The previous report was made so hurreidly that in reading it over I find that it fails to convey fully an idea of the situation here, and this makes it proper that I should now go over again some of the same grounds then only partially examined.

The general purpose of having the troops stationed here, I take it, I

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correctly understand in believing it to be to maintain, first, as far as possible, by moral influence, and in the last extremity, if needful, by physical force, the supremacy of the civil law. I further suppose myself right in assuming that every officer charged with any duty in this disturbed country should carefully and steadily keep in view the fact that every power of moral suasion, and every influence toward a peaceful settlement of the disturbances, should be exhausted before he would be justified in even a show of physical force; that it is his duty, first and last, to make conspicuous the fact that the military are here only to sustain the law, and to assist the proper officers in enforcing it; that the community is not in a state of war, and that in all respects the usual functions of the civil law are to be appealed to for protection before any rightful use of the military can be made. This much I venture to say, in order that there may be no misapprehension of the ideas which influence whatever I have done or shall do. Upon my arrival here I found that this whole community was on the verge of anarchy. The Kellogg representatives of the civil authority were violently ousted from their offices at the same time that the State government was overthrown in New Orleans, and the McEnery officers were and are now in the possession of the offices. The legal mayor of the town had practically abdicated, and his duties were being discharged by another man. The local police had been disbanded, and its place supplied by a volunteer force, consisting of white citizens, many of whom are no doubt good men, but all are partisans of the so-called white man's party, and a very large proportion are more or less violent members and supporters of the White League. No civil process of any kind emanating from State authority can be issued or enforced for want of the legal officer to issue it. The authority of the police is not questioned, partly because it represents the ruling class, and partly because no occasion has yet arisen to bring it into more than mere routine use.

In short, I do not exaggerate when I say that no civil officer, except a few charged only with financial duties, is in his place, or attempting to discharge any duty; and this applies to all civil officers, local, State, and national. The peace and good order of this whole section are at the mercy of any one who can get followers enough to begin a riot. There is no security for life or property, except the chance that no one will attempt to violate either. Bad as such a state of things would be in any quiet and orderly community, it has the great aggravation here that the majority of the white people are wild with passion, and under the control of a few reckless leaders who, at best, are mere crazy revolutionists, and who have fully determined that they will bring on a conflict if possible, openly saying that such is the only remedy for the bad government of which they now complain, and that such a course will compel the National Government to intervene and destroy the present State government, and set up a military government in its place. This purpose is hardly veiled and is not unfrequently an open boast. Good citizens, who ordinarily would exert an influence which would make such a course difficult, are either apathetic because they think they can do no good, or without influence because of the heat and passion stirred and kept alive by the political leaders, and appeared to have fully made up their minds that they would stand out of the way of a storm they could not even influence, much less control. This left the reckless leaders full swing to do as they saw fit. These were engaged in season and out in circulating the most inflammatory rumors, in stirring up passions on all sides, and were in fact bringing the whole community to a state of insane rage that would exactly fit their purpose.

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As may be easily imagined, no negro or white man of opposing politics outside of the town, where they were at the mercy of the White League, dared say that his soul was his own; in the town, where they kept their courage alive by contact with each other, they made several attempts to hold meetings, in each instance being stampeded and broken up by a few men instigated by these leaders. In one instance a large number of those engaged in a political meeting were stampeded into a disorderly flight from the court-house by one of the White League leaders jumping up in the midst of a speech and denouncing the speaker as a liar, at the same time drawing a pistol. Such was their terror and apprehension of violence that they fled because they expected the next act would be a pistol-shot. Undoubtedly at the approaching election many of these negroes would have attempted to vote, and it would not have been difficult under those circumstances for the leaders of the White League to have turned the first wordy dispute into a fight and that into a riot, and once begun it is impossible to foresee where it would end. It can be easily enough understood that it would not have stopped short of a bloody day's work here, and the contagion would easily have spread elsewhere. Had such a point been reached my duty would have been plain. I conceive it to be just as plain now, and that is to exert every peaceful means in my power to prevent such a consummation. In casting about me for means to rouse the better class of citizens to the exertion of their influence toward peace I could find nothing that promised any good whatever except to recall the habit of obedience to law. If this could not be done nothing could be done. It would have been neither wise nor politic for me to call them together and point out the dangers ahead. They knew them and saw them as well as I. Further, anything which I did or said, no matter how moderate, was certain to be misrepresented and to be charged to a desire to help one party against the other. Anything that any one could do must necessarily bear this charge, for the only hope of the White Leaguers for carrying the election is by force and intimidation, as is evident by the fact that the parties are divided upon the line of color, and the negro voters are some twelve hundred in the majority.

The question with me was, must I sit still and let this state of things drift into anarchy and bloodshed, the end of which is not to be foreseen, or must I endeavor, by some timely and proper action, to prevent it?

I need not impress upon the commanding general the delicacy of this question or the responsibility, not only as an officer, but as a citizen of the United States, which my action or non-action in the premises puts upon me. I am well aware how he is himself harassed by questions entirely similar, and that he will fully appreciate my difficulties.

I can only say that whatever I have done has been done with an anxious appreciation of the responsibility, and a most sincere desire to faithfully discharge the obligations of my oath of office.

After the most mature consideration of every fact which in my view should have weight, I determined that the only hope of averting a conflict on the day of election was in some manner to break the influence of the reckless leaders over the men whom they were hurrying on without pause in their passion for a moment's thought of the end, and give the better and calmer-tempered people the chance to do some good. This I hoped and believed could be accomplished by the quiet enforcement of the violated law.

I found, as before reported, that such an absolute reign of terror existed that no man dared take the initiative, and I do not doubt that the fear of death as the consequence to any individual who made the affi-

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davit was well founded. Such is the universal statement of men of all shades of political thinking, and even now it is well understood that numerous threats of assassination have been made against myself, and I am constantly cautioned by men who deprecate violence that I must be prudent. After full deliberation and with full knowledge of all the probable personal consequences, the least of which would be a howl of abuse from the newspapers, I determined that duty permitted me no choice. If I have erred it has been honest error. But I am hourly more impressed with the belief that the course which I have taken will be the means of tiding over the election peacefully and averting bloodshed. So soon as it was understood that such a course was proposed, such persons as Mr. Leonard at once began to use it as a means of fomenting passion. The most abusive stories were set afloat, such as that the whole town was to be arrested and confined in a stockade which Captain Parker was then building; that it was especially designed to arrest certain women who had signed a similar paper, and probably send them to New Orleans in irons, and hundreds of other rumors, each as incredible as the last, readily taken up and given currency.

Dispatches were sent in every direction to the newspapers, most of them wholly or largely false. In short, no means were left unused to stir to the deepest passion and insane rage. I paid no attention whatever to these stories, except, when asked, to say that they had no foundation whatever. The arrests were effected, as before reported, by a deputy marshal alone, without an officer or soldier being concerned, and the process served in the most unobjectionable manner.

All sorts of violent advice was given by the leaders, but this had the effect which I anticipated. The calmer men at once began to exert themselves, and to endeavor to convince the people that the serving of a legal process must be permitted to go along quietly and without disturbance. The effect was shortly to leave the counselors of violence without any following that was respectable enough to do any mischief.

The full deliberation with which everything was done, the conspicuous absence of so much as a brass button, and the appearance given the whole matter of being an entirely usual one, greatly helped the effect. The parties for whom process was issued all went to the commissioner's office. I purposely did not go. The commissioner tells me that there was much angry declamation, especially by W. Leonard, already referred to, but that he finally refused to permit any dictation of his course, and fixed the hearing for the following Monday at 10 a. m., in the public court-house. This gave time for Sunday to intervene, and, on Monday, instead of the violent men of the Leonard type, who had appeared as counsel on Saturday, several of the older and more judicious lawyers took their place, and it was evident that no violence would be attempted, and that the hot-heads had lost their hold. At the request of these men the hearing was adjourned until Tuesday, (to-day.) Meantime the effect has been in all respects what I had hoped. The cooler men had been roused from their apathy, and have now taken a stand from which they not only exert great influence, but in which they will be more and more confirmed by the frothing of the hot-heads. In short, the best sentiment of the community has called a halt to these men, and there is now every prospect that they will be unable to carry out their design; or, at most, that if any attempt of the kind is made these people will find actively arrayed against violence an influence which will greatly assist in preventing its spread.

It was alleged here, as elsewhere, that my course was prompted by

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partisan feelings. While this, of course, was not the fact, it gave me the opportunity to increase the effect already produced by addressing a letter to the United States commissioner, calling his attention to this charge, and suggesting the adjournment of further proceedings until after the election. I have just seen him, and he informs me that at the hearing this morning he read this letter, and after discussion by counsel, in which the defendants' counsel stated that they advised such a course, the further proceedings were adjourned to a day named subsequent to the election. I have watched with great anxiety and solicitude the whole proceedings and their effect upon the people, and I now unhesitatingly say that if the election shall pass off quietly, it will be because the better and more conservative sentiment of the community has been roused by these proceedings to an active determination to prevent violence if possible.

At a meeting which was held last night, I am informed, instead of the usual cheers which have heretofore followed threats of resistance to law, and violence in certain events, these were received in silence, and were instantly followed by other speeches counseling quiet and good order, and respect for the law, and these were heartily cheered.

I do not pretend to think that all danger is passed, but I do feel sure that matters are in a far better shape here than they were a week ago, and unless some imprudence is committed which will move the whole community to ungovernable rage, there is every probability that the power of those few reckless men to band together any considerable number for violence is broken. I am bound to say that I fear that the character of some of the arrests now being made in neighboring parishes, and the inflammatory dispatches in regard to them, are very mischievous, and I fear the consequences which may flow from them, but as yet I am not sufficiently informed of the true state of facts to express any opinion upon what is alleged.

With reference to matters here I bide the event with much less anxiety and fear of trouble than I had a few days ago, and can now, for the first time, say that I hope no trouble will arise. Before this, while I most earnestly wished it, I had but little or no faith that it would be avoided.

This report was thus far made two days ago.

The delay in getting it copied allows the opportunity to add that the condition of things is hourly improving. Passion is allaying somewhat, and numerous good citizens are actively exerting themselves to prevent violence. I am not too confident that they will entirely succeed, but their course is of the utmost value in contributing toward this end. In any event I feel that I can safely say that, even should a riot occur here, I can in great measure prevent it from running into a general massacre of the negroes.

I am, very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

The ASSISTANT ADJUTANT-GENERAL,
Department of the Gulf.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., November 6, 1874.

Respectfully forwarded to headquarters Division of the South, for the information of the division commander.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

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[Second indorsement.]

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., November 10, 1874.

Respectfully forwarded to the Assistant Adjutant-General, headquarters of the Army.

C. McKEEVER,
Assistant Adjutant-General,
In the absence of the Division Commander.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, Mo., November 12, 1874.

Respectfully forwarded to the Adjutant-General.
By command of General Sherman.

WM. D. WHIPPLE,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
November 14, 1874.

Respectfully submitted to the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 7, 1874.

SIR: I am directed by the Secretary of War to acknowledge receipt of your detailed report, dated October 27, 1874, of affairs in and around Shreveport, containing an explanation of your own course, and to say the Department considers that the circumstances justified your action.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Maj. L. MERRILL, *Seventh Cavalry.*
(Through headquarters of the Army, Saint Louis, Mo.)

COMPANY G, SEVENTH CAVALRY,
POST OF SHREVEPORT, LA.,
November 14, 1874.

SIR: In accordance with the requirement of circular from headquarters Department of the Gulf, dated August 13, 1874, I beg leave to submit the following report:

Pursuant to Special Orders No. 7, headquarters post of Shreveport, October 15, 1874, this company, acting as a *posse comitatus* under the direction of Deputy United States Marshal J. B. Stockton, left here on the morning of the 16th ultimo, and, proceeding by way of Mansfield, Caddo Parish, arrived at Coushatta about noon on the 18th. On the following day I started for Natchitoches, which was reached late on the evening of the same day. Remained in Natchitoches till the 3d instant, when I marched back to Coushatta, leaving Lieutenant Wallace and a detachment of the company, with orders to remain there till the arrival

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of the company of infantry ordered from New Orleans. Receiving no further orders, and having forage enough left for only two days and a half, I started from Coushatta on the 12th on my return to this place, where I arrived on the night of the 14th, after an absence of thirty days.

Arrests made:

At Coushatta and vicinity	18
At Natchitoches and vicinity	7
Total	25

Through the want of energy displayed by the marshal, owing perhaps to the absence of proper instruction from his department, much time was lost unnecessarily, and several (at least five) important arrests which could have been made were not even attempted. Two of these belonged to the Coushatta murderers—men who did the actual shooting in the massacre of Dewees, Twitchell, and others.

The company lay idle in camp fourteen days.

The scene of this murder was visited by me on the 13th instant. It is about 28 miles down the river, on the west bank. Three were killed in the woods back of the Campo Bello plantation; the other three were killed two miles further up the river, on Mr. Hughes's plantation. They lie buried where they were killed, in two graves, three in each. Additional information of great importance was here obtained. It implicates as principals and accessories several not heretofore known to have been connected with the occurrence, and corroborates as to others the evidence already in possession of the proper authorities. Mr. Stockton has this information.

Lying on the ground where Mr. Dewees was killed there was found, among torn parts of others, a letter from his wife, sending him $800, which evidently reached him after he parted from her to leave the country in charge of the mob.

The bodies of the murdered men were robbed of all valuables by the murderers; a large roll of money was taken from one of them. One of the bodies (name unknown) was so perforated and gashed with bullets that it was only with great care that it could be moved without falling to pieces, while the private parts of another (name also unknown) were mutilated, shot off. This may account for what Mrs. Dewees stated to Deputy Marshal Stockton, October 18, namely, that she is virtually a prisoner in her own house, at Mansfield; that she was not permitted to see the corpse of her husband, or visit his grave, and that, being warned not to attempt it on pain of death, she had been unable to do either.

Many of the men for whom there are warrants have either fled the State or gone to parts of it where they are not so well known, while a still larger number are living out in the woods and swamps.

While at Natchitoches, on the day of the republican mass-meeting, October 25, I was called upon for assistance by the chief of police of that city to stop a row that was going on between some blacks and whites. I was at the hotel taking my dinner at the time. Passing through the crowd on my way to camp I saw at once that a bloody and general collision was imminent. There were about seven or eight hundred negroes around the court-house, where the speeches were being made, and in the adjacent street, and two or three hundred whites. Both parties appeared to be generally armed, and many were drunk. In the mean time I did not see the mayor, who, it seemed to me, was the proper officer of the city government to call upon me for assist-

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ance. Still, while I held 20 men in readiness, I sent Lieutenant Wallace with 24 mounted men to the city, at a quick pace, with orders to take a suitable position and prevent a fight between the two parties. He placed himself in communication with the chief of police, and requested the leading men of each party to advise their adherents to disperse, and then told the crowd that he was not there to protect or advance the interests of any political party, but to prevent bloodshed, and that if there was to be a row they could rely on his taking a hand in it. One street was cleared by the cavalry, but without using actual force. The people immediately dispersed everywhere, and Lieutenant Wallace returned to camp. He managed this affair in a discreet and soldier-like manner and with the suavity of a diplomat, showing that he understood the situation exactly. The mayor of the town, many of the most respectable citizens of the city, as well as the leaders of both political parties, expressed their gratification and thanks for the timely and prompt action of the troops. In this case I acted on my own judgment, and for my future guidance under similar circumstances I hope to be informed whether or not it meets with the approval of the commanding general.

At the recent election this company was still in Natchitoches. I had received and knew of no orders with regard to the election. The men, however, were all kept in camp during the day and night. There was no disturbance. I was asked by Hon. E. L. Pierson, parish judge and United States commissioner, to send a force to the city for the purpose of installing Edward Ezemack as State commissioner of election, and maintaining him in that position for at least during the day, *vice* the incumbent, an appointee of Governor Kellogg as I understood, but who, although superseded, refused to surrender his office.. I declined to comply with the request.

I have noticed newspaper articles charging Deputy Marshal Stockton and me with brutality to prisoners while in our custody, and in making arrests. These statements have no foundation in fact. They are entirely false. Mr. Stockton is one of the kindest-hearted men I ever saw, and is incapable of crulty or unkindness to any one. None of his prisoners were handcuffed or otherwise ironed. They were treated with a consideration and leniency which in a more law-abiding community would never be expected by men charged with the crime of murder. He was grossly insulted by one of the prisoners, Cosgrove, so-called editor of the Natchitoches Vindicator, who threw a chew of tobacco in his face, accompanying the act with abusive language. With admirable forbearance the marshal did nothing. I had no personal intercourse with the prisoners, the sergeant of the guard being the medium of communication. This man Cosgrove, while drunk, made threats against me, and in a violent and defiant manner used indecent and insulting language in the full hearing of the guard and enlisted men of my command. For reasons which can be readily seen I did not use disciplinary measures to suppress the disorder, further than to deny the prisoners the use of all malt and spirituous liquors. For a few days after the arrests commenced, the prisoners were denied communication with their attorneys and all outside parties, except their wives and children and business agents, and then only in presence of the noncommissioned officer of the guard. Threats of rescue were made, and the necessity for the restriction at the time is too obvious to need further explanation. As soon as this restriction was removed, one of the prisoners escaped with the connivance of the others and outside parties. Abuse and insults came from the prisoners and their sympathizers, not from the marshal or me.

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Some arrests can yet be made at and in the vicinity of Coushatta, from time to time, as the whereabouts of those eluding arrest are discovered. On my arrival at that place, November 4, I found that Mr. Twitchell, United States commissioner, had employed six horses with which to mount infantry from Lieutenant Mitchell's company of the Third Infantry. He considered such a force adequate for making the arrests in his neighborhood. With a guide who knows the country, a few arrests might be made about Natchitoches, but I doubt it, at least for the present. A detachment of twelve to sixteen mounted men would now be entirely sufficient for the work at both of these points. The principals and many of the accomplices in the Coushatta murder, who are still in the country, are to be found in the neighborhood of Mr. Robinson's plantation, about thirty miles down the river from here, and at Mansfield, and along the three roads leading to it from Shreveport, both these places being within easy striking distance from this point.

Incident to the duty performed by the company during the past thirty days, the following correspondence took place:

[See letter from the mayor city of Natchitoches, hereto annexed.]

The statements of the mayor are substantially true. The course of the marshal placed the troops in a false position. I replied as follows:

CAMP UNITED STATES TROOPS,
Natchitoches, La., October 27, 1874.

SIR: In reply to your communication of this date, I beg to say that my command (Company G, Seventh Cavalry) is here to protect Deputy United States Marshal J. B. Stockton in the performance of his legitimate duties, and to aid him in serving legal process. This company is subject to his requisition for these purposes, and for no other.

Very respectfully, your obedient servant,

DONALD McINTOSH,
First Lieutenant Seventh Cavalry, Commanding Company G.

J. F. DE VARGAS, Esq.,
Mayor City of Natchitoches.

Mr. Stockton gave me to understand that he had authority to displace the sheriff, parish judge, and other parish and city officers and appoint others in their stead. Besides this, he had an exaggerated idea as to the extent of his authority as United States marshal. Had I concurred with him in his views on this point, (his authority,) and used the force under my command accordingly, instead of being here, the chances are I would now be swinging from a tree with a rope round my neck, or be a prisoner in one of the parish jails of Northern Louisiana.

Very respectfully, your obedient servant,

DONALD McINTOSH,
First Lieutenant Seventh Cavalry,
Commanding Company G.

The ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of the Gulf, New Orleans, La.
(Through post and district headquarters.)

MAYOR'S OFFICE, CITY OF NATCHITOCHES, LA., *October 27,* 1874.

SIR: I have been informed by Mr. J. B. Stockton, the deputy marshal of the United States for the district of Louisiana, that he claimed the right to control the police regulations of this city, through the military force under your command, to disband any special police which I, in the exercise of my official duties, might employ, and arrest myself if he thought proper.

This statement of the deputy marshal, made to me, is of too grave moment to be passed over without bringing it to your notice; and as I cannot believe that this as

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sumption of authority is warranted by any military orders or instructions, I feel justified in addressing to you this communication.

Under the laws of Louisiana, the police of the city is confided to its mayor and council, and I am charged with its control and management. The municipal authorities have clothed me with the necessary powers to preserve the peace and quiet of the city, and, holding myself and my colleagues in the municipal government fully equal to that task, I cannot consent that any interference should be had with the discharge of my duties by those who may choose illegally and arbitrarily to assume authority not vested in them by law. I am frank to state that if the police force at my disposal should in any event prove insufficient, unable, or unwilling to discharge their duties as conservators of the peace, I would not hesitate, in the interest of good order and humanity, to call upon the nearest military force to aid me in my efforts in that direction; but I cannot, without proving false to the trust reposed in me and my solemn obligations as a civil officer, consent to the unwarrantable interference threatened by the deputy marshal. And as he thought proper to add, in the conversation referred to, that your troop was at his disposal, I have the honor to ask that you will inform me if his statement is correct, and the detachment of United States soldiers under your command can be thus used, under your orders or those of your superior officers, from whom you derive instructions, and are subject to the directions, in the above-mentioned regard, of a civil officer charged with the execution of process of the United States courts, at whose mere will the municipal and peace officers of this State are to be suspended.

Very respectfully, your obedient servant,

J. F. DE VARGAS,
Mayor City of Natchitoches.

To Lieut. D. McINTOSH,
Commanding Co. G, Seventh Regt. U. S. Cav., stationed in the City of Natchitoches.

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, La., November 18, 1874.

Respectfully forwarded. Attention invited to contents and to accompanying letter.

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

The following is the report of the Coushatta murder (referred to by Lieutenant McIntosh) as forwarded to the War Department soon after the occurrence:

HEADQUARTERS COLFAX, LA.,
September 3, 1874.

MAJOR: I have the honor to submit the following report for the information of the commanding officer of the Department. A refugee from Red River Parish, Mr. H. A. Scott, who has just arrived at my headquarters, having ridden from Coushatta to save his life, reports the following transactions in that section: On Thursday last, a body of armed white men took possession of Coushatta and Brownsville, a little place some eight miles away, under the alleged pretext of fear of a negro insurrection. The party, about fifty in number, were citizens of Coushatta. The party was under the command of a man named Paxton, and patrolled the streets of the town. While thus engaged, and acting under orders to stop and examine every one found on the streets, two of the patrol, Joseph Dixon and Orey Pikens, halted a colored man, and upon his failing to stop fired upon him. During the evening, probably a half hour later, these men, upon returning to the same locality, were fired upon, and Dixon was wounded. Upon the return of the detachment from Brownsville, just before daylight, they having found nothing to keep them there, Coushatta was placed under guard, with orders to prevent any one leaving town. During the afternoon all of the officers in town were arrested, viz, Frank Edgerton, sheriff; H. J. Twitchell, tax-collector; R. Dewees, tax-collector of De Soto Parish; Clark Holland, supervisor of registration, together with W. F. Howell, M. C. Willis, and H. A. Scott. These men are all republicans. They were placed under guard at S. Abner's new store, and kept there till Saturday night, when they were moved to the old hotel for safer custody. Meanwhile Mr. Holland was informed that if he would conduct the registration according to their ideas he should be protected. All the officials were then called on to resign, which was done, and

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under promise of protection and an escort to Shreveport they started with a guard of thirty-five men; Mr. Scott, who was a mason, being permitted to remain behind to look after the women and children who were left. On Tuesday the escort returned to Coushatta and reported that they had proceeded about thirty miles when an armed body of men rushed upon them and at the first volley shot Edgerton, Dewees, and Twitchell; the other three prisoners were forced away from them, and the last they saw of them they were riding away as rapidly as possible with the mob in pursuit. Mr. Scott being under the protection of Captain S. Abner, who was the commander of the Coushatta party, having supplanted his subordinate Paxton, was taken to his house. On Tuesday, Abner informed Mr Scott that he was afraid that he could not successfully protect him longer, and advised him to secretly take his horse and try to get to Colfax, which was done. Scott arrived here this noon safely. When Mr. Scott left, the citizens were agitating the subject of sending away the families of Willis, Holland, Twitchell, and himself. All these officials were told they must leave Louisiana and never return to the State. Boasts were made of promised assistance of Texans, and artillery being ready at call. Armed men came from various sections, some from as far as Shreveport, sixty-five miles away. I am unable to say by whom the cowardly killing was done, whether by the escort or by the parties from De Soto Parish. I can learn of no resistance made by the guards, and am unwilling to conjecture. Resistance to State troops is spoken of openly, should any be sent; but no disposition to oppose the United States troops appears The state of affairs seems quite bad to me, and if it continues there can be no government permitted to exist in the Red River country unless composed of men appointed at the dictation of the white men's party. Mr. Scott has only been in the State eight months; was working at painting and carpenter work, and not an official. He is a northern man, and served during the war, which is probably the reason of animosity against him. Coushatta is sixty-five miles from Shreveport by land, and eighty-two miles from this point, with no available roads on this side of the river, and no means of crossing the river within twenty miles. In this parish (Grant) all seems at present quiet.

I am, major, very respectfully, your obedient servant.

ARTHUR W. ALLYN,
Captain Sixteenth Infantry, Commanding.

Major E. R. PLATT,
Assistant-Adjutant-General, United States Army.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
Holly Springs, Miss., September 12, 1874.

Respectfully forwarded to headquarters Division of the South for the information of the division commander.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Second indorsement.]

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., September 15, 1874.

Respectfully forwarded to the Assistant Adjutant-General, headquarters of the Army, Washington, D. C.

IRVIN McDOWELL,
Major-General, Commanding.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, September 18, 1874.

Respectfully forwarded to the Adjutant-General.
By command of General Sherman, and in his absence.

JOS. C. AUDENRIED,
Colonel and Aid-de-camp.

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, La., November 18, 1874.

SIR: I have the honor to forward and inclose herewith the report of First Lieut. Donald McIntosh, Seventh Cavalry, of his operations while acting as posse recently with Deputy United States Marshal Stockton.

In forwarding this report, I ask that the attention of the department

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commander be invited to several points noted in it, especially to the questions asked by Lieutenant McIntosh whether the course pursued by him in preventing the threatened riot at Natchitoches meets the approval of the department commander. While this question is wholly submitted to higher authority, I deem it right to say that from this report, and from other sources of information in regard to what occurred on that day, it seems to me that both Lieutenant McIntosh and Lieutenant Wallace acted with great discretion and prudence, and by their decided but temperate and calm bearing and judicious counsels prevented a bloody riot which at one time was imminent. While it is more than questionable whether the request of the chief of police for assistance would, in general, be sufficient legal warrant for interference, the emergency in this case was so sudden and the danger so great that the course pursued was not only justifiable, on the broad ground that it is the duty of all good citizens to intervene by force, if needful, to preserve the public peace and sustain the law, but such a course was highly commendable as being the only one which promised to prevent extensive disorder and bloodshed, which the local authorities would have been powerless to stop when once begun. While I should be very far from encouraging officers to be over-ready to interfere, and would always advise abstention as long as the public safety permitted, it seems that in this case exactly the right thing was done at the proper time and in the most judicious way.

Attention is also invited to the correspondence with the mayor of Natchitoches, in which, as in his whole conduct throughout the discharge of this most difficult and trying duty, Lieutenant McIntosh shows a degree of sound judgment and good sense which unfortunately does not seem to be always at hand to guide young officers in such circumstances.

Such duties as these thrust upon the inexperience of young officers of the Army are so exceptionally difficult and de icate, and the possible complications so impossible to foresee and guard against by previous instructions and advice, that when, as throughout the whole tour, every difficulty which is encountered is correctly and successfully dealt with, the officers concerned deserve high commendation.

It is needless to call attention to Lieutenant McIntosh's complaint of the falsehood and slanders of the newspapers in regard to the conduct of the marshal and the military officers with him. In this they suffer in common with all other officers whose duty brings them in collision with people whose political and personal purpose and prejudice are disturbed and interfered with by the fact that the Army is used to enforce laws which these people prefer to violate. So long as freedom of the press means license to lie and slander at pleasure every officer whose discharge of duty offends one, or frequently both political parties, there would seem to be no remedy for the officer, and nothing for him to do but possess his soul in patience, and wait for a change of station to some frontier post, where the savages, whose feelings he must hurt, have no newspapers through which to assail him.

In conversation with Mr. Stockton, the deputy marshal, I learn many facts which, if known to Lieutenant McIntosh, would have materially modified his views of Mr. Stockton's discharge of his duty. Mr. Stockton, besides his duty in serving warrants, was charged with certain investigations in connection with the savage and brutal murders to which Lieutenant McIntosh refers. He did not consider it prudent to confide to any one his purposes and plans in much that he was doing in this regard, and while, in the absence of such knowledge, Lieutenant

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McIntosh was justified in his conclusions, in the light of what Mr. Stockton has told me I readily discover good reason for apparent apathy in certain cases and for his failure to act on other occasions.

The Coushatta murder, of which Lieutenant McIntosh gives some horrible details, which show that Indian savages are not alone in their barbarous treatment of the dead, is a fair illustration of what would be common in this section were safety of person and property dependent on State and local authority alone. Local laws have no respect shown them, and are not enforced. Candidates for public office and others, in public speeches before large audiences, and long editorials in the public newspapers here, openly and unequivocally advocate assassination and murder as remedies for alleged political evils, and justify and find excuse for the very murders which Lieutenant McIntosh describes. Indeed, except from one or two political friends of the dead men, I have yet to hear one word of condemnation of these murders, while I have heard endless palliations, justifications, and excuses for them. Just at this time there is a lull, awaiting the action of the State returning-board, but this does not mean peace in any case; and, should the board decide that the White League candidates are not elected, there is every probability that there will be bloody work here, unless every republican leader chooses to abandon his home and flee elsewhere for safety.

Nothing short of the full political control of this section and of the whole State, and the unconditional abandonment of their homes and emigration elsewhere of the republican leaders, will satisfy the White League leaders here. Should any of the first named, or of the leading negroes, see fit to assert their rights to remain and still hold their political faith, there is scarcely a doubt that nothing short of actual residence in the military camp would save their lives, and this in any event, whichever candidates the board returns as elected. On this subject I append a recent editorial from the local newspaper, with the assurance that it condenses and repeats the language of dozens of public speeches during the political campaign, and expresses the sentiment as well of three-fourths of the whites in this section. I have yet heard of no instance in which its doctrines are disavowed by any White Leaguers.

I am, very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

ASSISTANT ADJUTANT-GENERAL,
Department of the Gulf.

[From the Shreveport Times, November 15, 1874.]

THE TRUE POLICY.

Mr. Kellogg's expressions of a solicitude to have a fair canvass of the election returns, and of a wish to have the conservatives represented on the returning-board, do not inspire any confidence among the people in his sincerity or that of his henchmen. His suggestion to the board that the party opposed to the republican party be allowed a representation on it is but a cunning device to entrap our friends into some sort of a recognition of the board, and that we may be in some fashion committed to its action. We hope that our representatives will enter into no agreement with Kellogg, Packard & Co. in this matter. We have the same evidence of the result of the election at every polling-place in the State that the people have in New York, in Massachusetts, in Pennsylvania, and in every other State, and we emphatically, without any compromise or change, demand that the results proclaimed at the polls everywhere be produced by the returning-board. This is the case in every other State in the Union, and it must and shall be the case in Louisiana.

It is a well-known fact that the returning-board is designed to be an instrument of

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fraud; a medium to deprive the people of an expression of their will at the ballot-box, and its members have been sagaciously chosen for the dirty work they are to do. We propose to watch its proceedings from this stand-point and in this light, and if they attempt to carry out the nefarious purpose for which they are now assembled they must be promptly and vigorously dealt with.

The New Orleans Republican has intimated that parishes and precincts are to be thrown out on the ground that intimidation has been practiced, and that formalities have not been observed. If there has been intimidation, that is a matter for the courts to take care of; if formalities have not been observed, that is the fault of Mr. Kellogg's dirty tools; and, besides, the right of the people to express their will through the ballot-box is an inherent and constitutional right, and cannot be taken away or abridged by informalities; nay, nor by conspiracies of rascals, through fellow-rascals styled a returning-board. To attempt to deprive the people of their constitutional right to choose their own rulers at the ballot-box, either by arms or fraud, let it be distinctly understood, is revolution, "and it was revolution that made young Harry Percy's spurs grow cold.'

We want no representative on the returning-board; no favors or concessions from Kellogg and Packard. Any compromise we might make with them in this matter, any favor we might accept from them, though neither legally nor morally binding, would prompt the country, after we have been swindled, as we certainly will be if we yield an inch, to reply to our protests that we had accepted the stake, and that having lost we have no right to complain.

We know the results of the election in every parish; the returning-board cannot change the count of a single precinct without perpetrating fraud and violating the constitution and the most sacred rights of the people. Therefore we should simply give the members of that board to distinctly understand that unless they return the elections as they were returned at the polls, they and those they seek to "count in" will pay the forfeit with their lives.

We have no appeals to make to our fellow-citizens of New Orleans. We know that the men of the 14th of September will do their whole duty as freemen and Louisianians zealous of their liberties. But throughout the country parishes there should be concert of action, and that action should be prompt and emphatic. In every parish where the officers elected by the people may be counted out by the returning-board, the people should use hemp, or fall on the defeated candidates counted in. To localize the proposition: If Geo. L. Smith is counted in over W. M. Levy, or if Twitchell is counted in over Elam, let Smith and Twitchell be killed; if Johnson and Tyler in De Soto are counted in over Scales and Schuler, as the New Orleans Republican thinks, or if Keeting, Levisee, and Johnson, in Caddo, are counted in over Vaughan, Horan, and Land, then let Johnson, Tyler, Keeting, Levisee, and Johnson be killed; and so let every officer from Congressman down to constable in every district and parish of the State be served, whom the people have defeated and whom the returning-board may "count in."

We cannot afford to be defeated by a ring of political scoundrels after we have triumphed. There is not only $250,000,000 worth of property at stake, but also the commercial and agricultural interests of the State; and, above all, the supremacy of law. The preservation of society and of civil liberty depends upon our action. Human life may be precious, but the lives of all these carpet-baggers and radical politicians in Louisiana are valueless compared with the worth of a single principle of justice and liberty.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 2, 1874.

Respectfully forwarded to headquarters Division of the South, for the information of the division commander.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Second indorsement.]

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 10, 1874.

Respectfully forwarded to the Assistant Adjutant-General, headquarters of the Army.

IRVIN McDOWELL,
Major-General, Commanding.

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[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, December 14, 1874.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN,
General.

[Fourth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 18, 1874.

Respectfully submitted to the Secretary of War for his information.

E. D. TOWNSEND,
Adjutant-General.

HEADQUARTERS POST OF COLFAX,
Colfax, La., November 16, 1874.

MAJOR: I have the honor to forward herewith a request from the deputy sheriff of Natchitoches Parish, La., to these headquarters, for an escort to protect him in making the arrest of S. Van Dusen, charged with the crime of theft, the warrant coming from a justice of the peace for the parish of Natchitoches. He showed me a copy of his commission and also the warrant, and both seemed genuine. I have examined the files of letters from department headquarters, and find nothing to warrant me in giving the assistance desired. I therefore asked Lieutenant Lassiter if he knew anything in reference to furnishing such details. In reply, he informed me that Captain Allyn, Sixteenth Infantry, formerly in command of the post, had received a reply to a report on such an emergency, from department headquarters, disapproving his action in furnishing a military escort or *posse* to the sheriff or his deputies. Acting on this information, the reply which was given him is inclosed.

In the same connection I have the honor to inclose the request of the sheriff of Grant (this) Parish, to guard two prisoners over night, with my action indorsed thereon. Considering the fact that there was very much excitement at the time among the negroes, and that there is no county jail or other place where the commanding or State authorities can secure their prisoners, I deemed it my duty to have them guarded.

So little vigor and energy has been displayed or is shown by the local authorities, that when any attempt even is made to bring crime to punishment, I am loath to decline any assistance in my power which might go toward causing the laws to be executed, or give encouragement or assistance to the civil officers, as I will now show.

On the 7th instant, two men, one white, the other black, both members of the same political party, had a personal rencontre, in which both were severely wounded. As I was officer of the day at the time, I went to where the fracas occurred. One of the combatants had been taken away by his friends, the other had three bullet wounds. A gentleman came up to me and gave me the pistol of one of them. I asked him if there was not one of the peace-officers present, and was informed that none were present. I took the pistol and demanded the one belonging to the other man, which was turned over to me, both of which I held until the other day, expecting the parish court, then in session, to take cognizance of the crime. The shooting occurred in the court-room, but not while the court was in session, in the presence of the

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parish judge and a number of citizens. One of the principals called to the judge to witness what was then occurring, as he did not believe he was going to have fair play. Notwithstanding all these witnesses no attempt was or has been made to bring the parties to justice, nor was any attempt made to stop them at the time. I asked the judge why something was not done. He replied, "Because neither party seemed desirous of bringing the matter before the courts." I then asked if the law did not require the courts to take cognizance of these crimes, when the parties themselves were unwilling to swear out warrants. "Yes," he replied, "but that is usually done by the prosecuting attorney, and we have no such officer at present."

Another shooting affray occurred four or five miles from this place, yet the local authorities inform me that they have not taken any steps to bring the criminals to justice; also, on the night of the 7th instant, the dwelling of Mr. Radetzki, tax-collector for the parish of Grant, was burned to the ground, the inmates barely escaping with their lives. Shots were fired as the family made their escape from the burning house. It was supposed to have been done by negroes, who were loud in their threats against Mr. Radetzki for his supposed complicity and sympathy with the white man who was engaged with the negro in the shooting affray on the 7th instant. Mr. Radetzki swore out warrants against two of the negroes toward whom circumstances pointed as guilty parties. They were arrested for *arson*, and at the conclusion of the trial the prisoners were *bonded to keep the peace* for a period of six months; amount of bond, *one hundred and fifty dollars.*

The local authorities are paralyzed with fear, and dare not take any steps on their own responsibilty, for fear of harm to themselves or property; and the same remark applies to the citizens themselves. They are afraid, and refuse to assist the officers of the law in the execution of their duties.

I would respectfully request that I may be furnished with definite instructions for my guidance in future.

I am, major, very respectfully, your obedient servant,

ED. S. GODFREY,
First Lieutenant Seventh Cavalry, Commanding Post.

Maj. E. R. PLATT,
Assistant Adjutant-General,
Department Gulf, New Orleans, La.
(Through headquarters district of Red River, Shreveport, La.)

[Inclosures.]

GRANT PARISH, *November* 16, 1874.

SIR: I have the honor to inform you that I have a warrant for the arrest of S. Van Dusen, now at this place, formerly of Natchitoches Parish, for theft, and that it is impossible for me to secure a *posse comitatus* of the citizens. I therefore request a sufficient escort to enable me to make his arrest.

I make this request because I think that my life is unsafe in making the arrest, and that I fear that he will be rescued from my custody by evil-disposed persons.

HENRY HERTZOG,
Deputy Sheriff, Parish of Natchitoches, Louisiana.

TO COMMANDING OFFICER,
Post of Colfax, Louisiana.

HEADQUARTERS POST OF COLFAX,
Colfax, La., November 16, 1874.

SIR: In reply to your communication of this date requesting an escort to enable you to make the arrest of Mr. S. Van Dusen, I have the honor to state that, in the absence

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of definite instructions, I have made inquiries as to the authority to grant your request, and find that the action of my predecessor in furnishing posses to the State authorities has been disapproved of at department headquarters, and regret to inform you that the desired escort cannot be furnished.

Very respectfully, your obedient servant,

EDWARD S. GODFREY,
First Lieutenant Seventh Cavalry, Commanding Post.

HENRY HERTZOG,
Deputy Sheriff, Parish Natchitoches.

SHERIFF'S OFFICE, COLFAX, LA.,
November 12, 1874.

SIR: I have two prisoners whom I hold under warrants from the State authorities, and, not considering them safe, I would request that you guard them until to-morrow morning, when they will be taken before the magistrate.

JOHN B. McCOY,
Per W. W. MORE,
Deputy Sheriff.

COMMANDING OFFICER,
Post of Colfax, La.

[Indorsement.]

HEADQUARTERS POST OF COLFAX,
Colfax, La., November 12, 1874.

The within request complied with, and the prisoners turned over to the guard of the camp for safety.

ED. S. GODFREY,
First Lieutenant Seventh Cavalry, Commanding Post.

[Indorsement on Lieutenant Godfrey's report of November 16 to headquarters Department of the Gulf.]

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, La., November 24, 1874.

Respectfully forwarded for information of the commanding general.

Lieutenant Godfrey's compliance with the request of the local authorities in one case and refusal to comply in the other seem to have been right.

His report of the condition of things as regards the enforcement of the law and the general state of lawlessness and terror is confirmed on all sides, and is only what exists everywhere through this section.

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 2, 1874.

These papers, with a copy of a letter sent to Lieut. E. S. Godfrey, Seventh Cavalry, are respectfully forwarded for information,

W. H. EMORY,
Colonel and Bvt. Major-General, Commanding.

[Inclosures to preceding indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 1, 1874.

SIR: I am directed by the department commander to acknowledge the receipt of your communication of the 16th of November, reporting your action on applications of the sheriff of the parish for a posse to assist him in making arrests, and also to allow his prisoners to be kept in your camp temporarily, and am directed to say that your action in both instances is approved.

Your duties in relation to civil matters are defined and limited by the circular from

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these headquarters, dated August 13, 1874, a copy of which you already have; but there is no objection, under the circumstances in which you are placed, to your affording the conveniences of your camp to civil officers having prisoners in custody.

I am, sir, very respectfully, your obedient servant,

E. R. PLATT,
Assistant Adjutant-General.

Lieut. E. S. GODFREY,
Seventh Cavalry, Commanding United States Troops, Colfax, La.

[No. 3.—Circular.]

HEADQUARTERS DEPARTMENT OF THE GULF,
Holly Springs, Miss., August 13, 1874.

The circular from these headquarters dated December 4, 1871, is withdrawn, and the following is substituted therefor:

To aid commanding officers of the posts and detachments in the discharge of the mixed duties which devolve upon them in this department, the following directions are published for the information and guidance of all commanding officers of posts and detachments, and of all United States troops serving in this department:

"Whenever the United States marshal of the district in which you are serving, or any of his deputies, shall make written application to you for a detachment of troops to protect him or them in the performance of their duties, or to aid him or them to serve legal process, you will at once furnish such detachment, reporting your action to these headquarters. Such detachments will also be furnished on the application of the officers of the United States Internal Revenue Department.

"You will instruct the officers and men of all detachments furnished by you that they can act only as auxiliaries of the civil officers; that they have no original authority and no right to use force, except when specially directed by the civil authorities, or, in the last extremity, for self-preservation.

"Whenever such detachments are furnished, a full and detailed report of the duty performed will be made to these headquarters."

In all cases, before acting on the requisitions of civil officers, it will be the duty of the commanding officer of the post or detachment, where time permits, to make a thorough examination of the circumstances connected with the requisition made upon him for the use of the troops, and refer the matter to the commanding general; and in cases where time does not permit, it will be his duty to act on his own judgment, and in so doing to exercise a sound discretion in complying with such requisitions.

The receipt of this circular will be promptly acknowledged.

By command of Colonel and Brevet Major-General W. H. Emory.

E. R. PLATT,
Assistant Adjutant-General.

[Third indorsement.]

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 10, 1874.

Respectfully forwarded to the assistant adjutant-general, headquarters of the Army.

IRWIN McDOWELL,
Major-General, Commanding.

[Fourth indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, December 14, 1874.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN,
General.

[Fifth indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 18, 1874.

Respectfully submitted to the Secretary of War for his information.

E. D. TOWNSEND,
Adjutant-General.

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HEADQUARTERS DISTRICT OF UPPER RED RIVER,
Shreveport, La., November 22, 1874.

SIR: I have the honor to submit the following report of the arrest of Lieutenant Hodgson, Seventh Cavalry, and Deputy United States Marshal Seelye by the State civil authorities, and of the action thereupon taken.

Appended are the reports of Lieutenant Hodgson and Captain Head, received yesterday and the day previous, respectively. These reports are very meager and unsatisfactory, but so little success has been had in getting from these officers anything like a clear and intelligible account of several matters they have been previously directed to report upon, that it is deemed useless to delay this report in the hope of getting anything better.

Appended, also, are copies of the telegraphic and other correspondence concerning this matter. These are very voluminous, and some of them, notably of Mr. Hardy, the attorney, very trifling; but in examining them it will be observed that the difficulties under which I labored in getting anything done were very great, (in the end proving to be insurmountable;) and that the repetition and reiteration of orders and instructions was caused by the persistent and unaccountable failure of all the parties, but chiefly the attorney, to give any attention or obedience to instructions. The final result of the matter is much to be regretted. Whatever may have been the wrong-doings or shortcomings of Lieutenant Hodgson, the military authorities appear to be precluded from any judicial investigation of it by the fact that both offenses alleged against him have been tried and disposed of by the civil court, making a valid plea in bar to his trial by military court, and leaving it impossible to determine how far he is culpable, or how much of the grave accusations against him are malicious falsehood, and how much based upon actual misdoings. It also occurs from the failure to transfer the cases to United States jurisdiction that what has been a judicial outrage upon two Government officers, concocted and carried out by the White League leaders here, aided by the State judge as their pliant tool, must fail of proper punishment, and instead of being made a conspicuous warning to corrupt judges not to lend their offices to illegal interference with and embarrassment of United States officers in the discharge of their duties, becomes an incentive and temptation to attempt the same thing whenever a posse goes out. It cannot be doubted that it will be repeated whenever the chances occur. Indeed, already, I have authentic information that plans have been matured to repeat the same game in Natchitoches upon Deputy Marshal Stockton and any posse which may be with him. The next case will, doubtless, offer more aggravated difficulties than this, and may occur where it will be impossible to give aid in time to avert the mischief. I see no way in which officers and soldiers who are detailed as a deputy marshal's posse are to be protected from the most harassing persecution under color of law, except by appealing to the laws which were passed by Congress to meet just such cases; and the failure to transfer these cases, where the course was plain, will make it doubly difficult to take such a course in the future.

For this result the appended dispatches will show I am in no way responsible. My best efforts were exhausted to secure a different result, and were defeated and nullified by the obstinacy and vanity of the fledgeling attorney who unfortunately was employed in the case, and by the persistent blindness of Captain Head and Lieutenant Hodgson to the fact that it was in his capacity of *officer* of the United States Govern-

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ment, and not as *individual*, that Lieutenant Hodgson was involved; that the correct solution of the difficulty and adequate vindication of the rights and interests of the Government was of far more consequence than the personal inconvenience and annoyance of being compelled to suffer unjust and illegal duress.

The assertion of the attorney that Captain Head had, after his arrival at Vienna, revolutionized and controlled public opinion, (see dispatch No. 58,) and was still needed for that purpose; and of Captain Head himself, in his report, that the first thing to be done after his arrival was to "change the feeling, if possible, so that he could control it," are sufficient indications of the fact that neither of them had any adequate conception of the character of the case in hand, or what their duties were. Captain Head is not excusable for his failure to insist that the attorney should obey the instruction given him so repeatedly and urgently, especially in view of the fact that they were distinctly informed that such a course in no manner interfered with what they themselves thought advisable. He could not fail to see that the filing of the petition was continually urged as the one important thing to be done, and that this did not and could not affect in any way the other plans which they had in view, which they were entirely at liberty to carry out after this was done.

Lieutenaat Hodgson is not so severely censurable. Confused and harassed by his arrest and imprisonment, and by the manifest determination to punish him, with or without legal right, it is not surprising that, under the advice of an older officer, and an attorney supposed to be competent, he should forget that his first duty was obedience, and should seek the shortest way out of his trouble, without regard to the consequences of his failure to insist that, whatever else was done, obedience should be yielded to plain instructions.

Captain Head, it is true, alleges that he did not understand the messages from department headquarters, but the second message so far recalled the first that it is not seen how he could have allowed the attorney to make these a pretext for failure to comply with a promise to do what was so persistently urged, and to which reluctant assent had only, late the night before, been extorted.

From the causes noted above the attempt to transfer the cases to the United States court signally failed.

The second case (the alleged cutting of the telegraph-wire) I have little doubt, falls also within the provisions of the laws of Congress authorizing the transfer of jurisdiction, but it is by no means so clear as the first. In this case, too, before it had reached the point at which, if the instructions were not complied with, I should have ordered the dismissal of the attorney and employment of another, Lieutenant-Colonel Morrow arrived at Vienna, and I instantly directed that the entire guidance of the conduct of these cases should be yielded to him. Captain Head was ordered to fully advise Colonel Morrow of the course which I had pursued up to that time, and he (Colonel Morrow) seems to have thought best that in the case then in hand the course should be taken which is indicated, but not fully explained in Captain Head's report. Colonel Morrow's report doubtless gives full information of what was done after his arrival. My own information on this is vague and indefinite, except as to the main fact that the military arrest of Lieutenant Hodgson was suspended to permit him to go before the civil court, plead guilty to the indictment for cutting the telegraph-wire, and be dismissed with a nominal fine. No doubt there were excellent reasons which controlled Colonel Morrow in this advice, among which may

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have been a doubt of the possibility of transferring to the circuit court the second case; but, in view of the importance of taking the matter into the United States court and the utter failure to transfer the first case, I cannot but regard it as very unfortunate that the effort to transfer the second was not made. When Colonel Morrow reached Vienna it was too late to rectify the blunders and failures in the conduct of the first; and in his conduct of the second case, I, of course, defer wholly to his superior knowledge of the facts and greater experience.

The narrative of the arrest and subsequent proceedings is given in its prominent facts in both the appended reports.

My own action is fully apparent from the appended correspondence. It had in view, first, to protect the two officers from unlawful violence, which seemed with reason to be gravely apprehended. That there was at one time serious danger of this I have no doubt, and there is little doubt that had Deputy Marshal Seelye been alone he would have been killed. The leaders dared not permit such a course with Lieutenant Hodgson, and this saved Seelye. After taking every measure possible to insure protection of the prisoners against violence, I addressed myself to the effort to have the cases transferred to the jurisdiction of the United States circuit court. Had I gone to Vienna in person, this would, no doubt, have been accomplished. I did not do so for the reason heretofore given, that there was great excitement throughout this section in regard to the matter, and the conversation and movements of the White League leaders here satisfied me that my going would be seized upon as a pretext for assembling at Vienna an uncontrollable mob on pretense that violent rescue of the prisoners was purposed. In retrospect of the course which events finally took, I regret that I did not go even at the risk of such a result. My purpose and efforts were to avoid by all means any action by the military which would furnish a pretext for gathering any more excited men at Vienna than were already there. Throughout the whole matter, from beginning to end, it was very evident here that the White League were much better informed of what was doing than I was, which leads me to recall the fact already reported that I have no doubt every telegram (not in cipher) sent to me reaches the White League leaders as soon as it does me. How this is done I do not know, but of the fact I have no doubt.

The appended orders will show that every precaution possible was taken to make it certain that there should be no improper interference with the civil authority. The instructions on this point to Captain Head and Lieutenant Hodgson are very clear and emphatic. To allay the excitement, Captain Head was instructed to inform the authorities fully what his instructions were. Lieutenant Bell, who went from here with the cavalry, was verbally instructed to the same effect as Captain Hodgson, to govern his conduct, should he reach Vienna first. (There was no time to give him written instructions.) So far as I am informed, there is no pretense that the civil authorities or processes were in any way interfered with by the military.

As showing the ideas and state of mind of the officers at Vienna, and their utter lack of appreciation of the true character of the case in hand, attention is invited to the translation of the cipher dispatches sent by Captain Head, Lieutenant Bell, and Mr. Hardy, the attorney, (Nos. 57 to 59, inclusive,) when it was found that an indictment had been found against Lieutenant Hodgson for cutting the telegraph-wires, and a warrant for his arrest would be served the following day. Evidently, had these officers been left to their own devices, they would have exhibited the disgraceful spectacle of an officer of the Army, on duty with a *posse*

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comitatus to sustain the law, with the knowledge and connivance of his fellow-officers and of the local authorities, slipping away, under cover of darkness and a cavalry escort, to *evade* a proper legal process—one which, if properly called upon, it would have been his duty to assist in serving. Fortunately, it was possible to put a summary stop to this by peremptorily ordering that there should be no evasion of any lawful process.

This incident furnishes another evidence of the fact that close attention to duty and obedience to the spirit as well as the letter of instructions, instead of efforts to get an officer out of a difficulty by "forming and controlling public opinion," would have resulted much better for the interest of the service and of the United States Government.

I do not wish too severely to censure the officers concerned, but it seems very remarkable that when the sole purpose of their being in this section is well known to be to sustain and enforce law, they should seriously entertain the idea of evading its processes when directed against one of their own number.

In reference to the course of the judge, it is proper to say that there is no reasonable doubt that his conduct was prompted by the worst motives, and that he lent his office and power to carry out a purpose of the White League leaders which was planned in this town, and which has, unfortunately, been successful. I was at first deceived by the assertion of the attorney, Mr. Hardy, that the writ served was not a writ of *habeas corpus*. It appears now that it was a proper writ, and should have had proper return made to it. There doubtless were some irregularities in the service of it, but no interest or authority of the United States could have been compromised by making respectful return to it. It seems probable from what I learn here that Seelye's ignorance of his duties, and disposition to do his duty very arbitrarily, were counted upon by the persons who planned the whole thing. He did just what they hoped he would, and thus gave the chance to carry out their designs under color of acting with legal authority. It is, however, the fact, as I am advised by attorneys here familiar with the practice of Louisiana courts and with the laws of the State, that the zeal of the judge to carry out the designs of the White League outran his knowledge of the law, and in numerous particulars his acts were wholly illegal and arbitrary. The writ of *habeas corpus* was prepared, and the details of the plan executed, by a prominent White League lawyer of this place, and it seems that the judge acted under his advice throughout. My impression is very decided that a careful investigation of all the facts would show that the judge and several of the parties concerned have in several particulars so grossly violated the law as to render themselves amenable before the courts, and I suggest the propriety of drawing the attention of the United States district attorney to the facts, with a view to prevent the mischief of such a plot having such entire success as this has had.

To prevent the chance in the future of officers in this district making any mistakes about the course to pursue when such papers are served upon them, I have prepared detailed instructions to guide them in the premises. A copy of these instructions will be forwarded for the consideration and approval of the department commander.

The conduct of Lieutenant Hodgson, while on this posse and previous to his arrest, having been the subject of investigation by Colonel Morrow, it does not seem necessary that I should say anything about it, especially as I have (previously reported) failed to get any intelligible report of what was done, either from him or from Captain Head. What-

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ever were the facts, however, it is certain that nothing that he did or could have done furnished legal justification for the course taken by Judge Trimble.

As will be seen by the appended papers, the embarrassments and anxieties of the conduct of the matter were at one time greatly aggravated by the telegram from the Hon. Frank Morey, making grave charges against Captain Head. The appended papers, as well as a dispatch to department headquarters at the time, show what was done at the time. Since then I have received a letter from Mr. Morey, which, though marked "personal," I cannot consider so, and append a copy of it for the information of the department commander. I do not feel called upon to take any other action in the premises.

Very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District Upper Red River.

ADJUTANT-GENERAL,
Department of the Gulf.

The acts of Congress referred to, under which it was sought to transfer the cases to United States jurisdiction, are the act of March 3, 1863, covering all cases of acts of officers done during the rebellion, amended by act of May 11, 1866, which modifies the course of procedure, and makes the filing of the petition *proprio vigore* effect the transfer of the case; the act of May 31, 1870, and the amendment thereto of February 28, 1871, which extends the right of transfer to all cases of acts of United States civil or military officers done under color of the enforcement act. These officers were at the time acting under the enforcement act.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 5, 1874.

Respectfully forwarded to headquarters Division of the South, for the information of the division commander.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 11, 1874.

Respectfully forwarded to the assistant adjutant-general, headquarters of the Army.

IRVIN McDOWELL,
Major-General, Commanding.

HEADQUARTERS OF THE ARMY,
Saint Louis, December 14, 1874.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN, *General.*

HEADQUARTERS MONROE, LA.,
November 16, 1874.

SIR: In obedience to telegraphic orders, district upper Red River, dated November 15, 1874, I have the honor to submit the following report:

On the night of the 6th instant I received orders to repair to Vienna, La., with all available men. As soon as I could procure transportation I started with Lieutenant

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Roe, Third Infantry, and 19 enlisted men, for Vienna, La. Deeming my personal presence of great importance in that place, I rode on ahead of my troops with Lieutenant Roe and Mr. Hardy, a lawyer of Monroe, and arrived in Vienna on the afternoon of the 7th instant, several hours in advance of the command.

I found everything quiet, but also saw that there was a deep feeling of resentment among the people against Lieutenant Hodgson, and that the first thing to be done was to change the feeling, if possible, so that I could control it.

I visited the prisoners at once, found them guarded by a posse of citizens, which I relieved, immediately upon the arrival of my own troops, with a heavy guard of soldiers. Soon after Lieutenant Bell reported to me with the cavalry. As soon as possible I stationed them in close proximity to the jail, and, in a military point of view, was master of the situation so far as the personal safety of the prisoners was concerned. On the 8th, Lieutenant Roe, by my orders, returned to Monroe to make arrangements for supplying the command with forage and rations. Tuesday evening, 10th, Lieutenant-Colonel Morrow arrived and assumed, in connection with Mr. Hardy, the legal management of Lieutenant Hodgson's case. The troops remained in camp, guarding the jail, until the morning of the 13th instant, when, in obedience to telegraphic instructions from headquarters district of the Upper Red River, I returned to this post with my infantry command, furnishing a detachment of two enlisted men to Mr. Dinkgrave, United States deputy marshal, for the purpose of aiding him in guarding Mr. Seelye, a prisoner in his custody.

In regard to the legal management of Lieutenant Hodgson's case, I can only give a meager report, consisting, in fact, of a bare statement of facts.

Not having received a legal education, I was only consulted by Lieutenant-Colonel Morrow and by Mr. Hardy, before the former's arrival at Vienna as a United States officer, on the bearing which such and such a legal course might have on the honor and interests of the Army, and in some measure on those of the country. The facts, as I remember them, are as follows: Lieutenant Hodgson, Seventh Cavalry, was brought before Judge Trimble, of the eleventh judicial district, State of Louisiana, at 10 o'clock a. m., 7th instant, charged with contempt of court, in refusing to obey a writ of *habeas corpus* issued by the said judge. He was sentenced to be imprisoned ten days, fined $100 and costs. On the 9th he was brought before Judge Trimble on petition for a rehearing of his case, and the judge reversed his sentence at once, giving no opportunity for argument. I placed Mr. Hodgson under arrest at once to enable me to hold him in custody as a prisoner of the military authorities, in case any new proceedings should be taken against him. On the 11th, Lieutenant-Colonel Morrow went into court and addressed the judge, stating that Lieutenant Hodgson was in custody of the military authorities and would be tried by court-martial, and requested the judge to waive all civil proceedings until his trial was concluded, to which the judge consented.

The same afternoon a true bill was found against Lieutenant Hodgson by the grand jury for injuring the wires of the Western Union Telegraph Company. On the 12th instant, after consultation of all the military officers present, with Lieutenant Hodgson and his counsel, Lieutenant Hodgson went before the court, pleaded guilty to the charge, and was fined one dollar and costs. The costs were generously remitted by all concerned. Lieutenant Hodgson was temporarily released from arrest by myself, to enable him to do this. Immediately after he was again placed in arrest, by written orders, hereto annexed, and was brought to this post in obedience to telegraphic orders from headquarters district Upper Red River.

I will forward copies of the telegraphic messages ordered as soon as I can.

Your attention is respectfully invited to telegraphic messages marked 12 and 13 from headquarters Department of the Gulf, which I do not understand.

If any additional military action was ordered than that which I have described above, I never received the order.

I will write to the telegraph operator at Vienna for copies of all my messages to General Merrill, and will forward them as soon as obtained.

Very respectfully, your obedient servant,

GEO. E. HEAD,
Captain Third Infantry, Commanding.

ACTING ASSISTANT ADJUTANT-GENERAL,
District Upper Red River, Shreveport, La.

[Special Orders, No. 1.]

HEADQUARTERS UNITED STATES TROOPS, VIENNA, LA.,
November 10, 1874.

Second Lieut. B. H. Hodgson, Seventh Cavalry, is hereby placed in arrest for unlawfully, wantonly, and maliciously cutting the wires of the Western Union Telegraph Company on the 25th October, 1874, at or near the town of Vienna, La., in the parish

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of Lincoln and State of Louisiana; also for using contemptuous, disrespectful, and un officer-like language, on the same date, to the Hon. J. E. Trimble, a judge of the eleventh district court of the State of Louisiana, in a matter of *habeas corpus*, issued by said judge for the bringing before him of certain prisoners in the possession of one Edgar Seleye, a deputy marshal of the United States.

GEO. E. HEAD,
Captain Third Infantry, Commanding.

MONROE, LA., *November* 16, 1874.

SIR: In obedience to telegraphic instructions from you, calling for a detailed report of occurrences of my arrest and subsequent proceedings of civil authorities, also of orders and instructions received by me, of my action thereon, and for the cause of disobedience of said orders, if any such were not obeyed, I have the honor to state that I was arrested at this place on the 6th instant by the deputy sheriff of Lincoln Parish on a warrant for contempt of court, which contempt consisted in my alleged refusal to obey what purported to be a writ of *habeas corpus* issued by the judge (Trimble) of the eleventh judicial district of Louisiana, in which so-called writ my name did not appear, neither did my military designation or title, and which writ was not served, or attempted to be served, on me. It (the writ) was addressed to the sheriff of Claiborne Parish, La., commanding him to produce, in Homer, La., the bodies of certain prisoners in the custody of Deputy United States marshal Edgar Seelye, which prisoners were in charge of my detachment, his posse, and directing him (the sheriff) to show what cause, if any, Seelye had for detaining said prisoners.

The sheriff arresting me was provided with a warrant, which he showed me, and was accompanied by a legal posse of between twenty and thirty men, and in the streets of this town and of Trenton, immediately opposite, were several hundred armed men, mostly mounted, acting as volunteers to the sheriff's posse, many of whom assisted in the search, which resulted in the capture and arrest of Seelye.

On arrival at Vienna, on the 7th instant, it being Saturday, and knowing my attorney could not arrive from Monroe until after court had adjourned that day, and the following day being Sunday, I went before Judge Trimble and made a truthful statement, setting forth the same facts connected with the writ of *habeas corpus* stated above. The judge sentenced me to pay a fine of $100 and costs, and to be confined for ten days. I remained in confinement until Monday, 9th instant, when my counsel secured a rehearing of my case; but when brought into court, without an argument being presented, the judge revoked his order and set aside my entire sentence.

On the 12th instant the grand jury of Lincoln Parish found a true bill against me for injuring the wires of the Western Union Telegraph Company, and before being arrested by the civil authorities on this charge, I went into court, pleaded guilty to the indictment, stated extenuating circumstances, and, without any arguments on either side, was fined $1 and costs. The district attorney, and all others who had costs in the case, waived them, and my fine was paid, which closed all proceedings on the part of the civil authorities.

I would state in this connection that I was at the time in arrest and in custody of the military authorities, confined to the limits of camp, and waived such arrest, (the civil court having agreed to suspend action until after a military court had tried me,) and by the advice of General Morrow, and Mr. Hardy, my lawyer, and the officers of the Army at Vienna, went into the civil court, as above stated.

The orders I received were to have a petition filed for transfer of my case to United States court; to report for what I was arrested, and to join my company with my detachment on arrival of General Morrow, also to obey all instructions of General Morrow. I was informed by my counsel that in the "contempt case" there was no appeal, and on the arrival of General Morrow, he agreed with that view, and even had there been, I would have deemed it better for my interest to have a reversal of the judgment than to answer for it in United States court.

In regard to the charge of injuring telegraph-wires, all agreed that such a case could be transferred, but by advice of all friends I thought it more to my interest to close the case, and receive the nominal fine, which I was assured would be inflicted, than to be put to the further trouble and expense of a trial before the United States court.

The above are the reasons why orders relative to transfers were not obeyed. I was personally in trouble. I had a lawyer whom I alone would have to remunerate, and my only object was, through him, to extricate myself as quickly and as honorably as possible. The order from you directing a compliance with General Morrow's directions is, furthermore, a complete justification of any want of obedience to your other order, relative to transfer of cases to United States court, for that officer advised me to the course which I took, and, indeed, addressed the court in my behalf.

All other orders were obeyed.

I would respectfully state, moreover, that when in the custody of the civil authorities with indictments hanging over me for alleged offenses against the civil law,

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which it was asserted I alone, had committed, I regarded your order relative to my case more in the light of suggestions and advice than in that of military directions from a commanding to an inferior officer.

Respectfully submitted.

B. H. HODGSON,
Second Lieutenant Seventh Cavalry.

Maj. LEWIS MERRILL,
Seventh Cavalry, Commanding District Upper Red River.

Telegrams sent and received appended to report of action taken in matter of arrest of Lieut. B. H. Hodgson, Seventh Cavalry, and Deputy United States Marshal Seelye, by State civil authorities at Monroe, La., November 6, 1874.

No. 1.

Hon. Frank Morey to Major Merrill.

MONROE, LA., *November* 6—4.40 p. m.

Lieutenant Hodgson and Deputy Marshal Seelye arrested just now by sheriff Lincoln Parish, and two hundred men, and taken to Vienna. Twelve cavalrymen have followed for protection in case of attempted mob violence. Additional force should be sent at once to Vienna; a deputy marshal will be there to report to.

No. 2.

Major Merrill to Captain Head, Third Infantry.

SHREVEPORT, LA., *November* 6.

Am just informed that sheriff of Lincoln Parish has arrested Lieutenant Hodgson and Deputy Marshal Seelye, and taken them to Vienna with a posse of two hundred men. Move to Vienna at once with every disposable man. Inform the authorities immediately upon your arrival of your instructions, which are as follows: Interfere in no way with the execution of any lawful process issued by competent authority and in proper hands. Offer your services to the sheriff to guard the prisoners, with the assurance that you do not propose to interfere with his legal authority, and will not release the prisoners from his custody except by proper order from such civil functionary as he is in law required to obey, and will be responsible that the prisoners are forthcoming to answer any legal process. That you are further instructed, and will, at all hazards, protect the prisoners against any illegal violence; and this you are hereby instructed to do. A company of cavalry will be sent to report to you at Vienna at once. Report by telegraph everything that should have attention, and at the earliest possible moment, the cause of arrest.

No. 3.

Major Merrill to Lieut. B. H. Hodgson. (Sent to care of sheriff at Vienna.)

SHREVEPORT, LA., *November* 6, 1874.

Demand of the sheriff to show you his warrant of arrest, and if he has it the affidavit upon which it is made. Telegraph me at once the offense charged in the affidavit. You will be protected from any unlawful violence at all hazards, and measures taken at once to legally release you from custody.

No. 4.

Major Merrill to Adjutant-General Department of the Gulf.

SHREVEPORT, LA., *November* 6, 1874.

Following dispatch just received from F. Morey: "Lieutenant Hodgson and Deputy Marshal Seelye were arrested just now by the sheriff of Lincoln Parish, and two hundred

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men, and taken to Vienna. Twelve cavalrymen have followed for protection in case of attempted mob violence. Additional force should at once be sent to Vienna. A deputy marshal will be there to report to." I have sent orders to Captain Head, at Monroe, to proceed at once with all his disposable force to Vienna, and at all hazards prevent any illegal violence toward these prisoners, and shall at once send a company of cavalry from here to report to Captain Head at Vienna. Instructed him not to interfere with any lawfully executed process, and to inform the authorities that he is so instructed; but that he is also instructed to protect the prisoners against violence. Have you any further orders? I have no information whatever of the cause of the arrest. I would go in person at once, but for the fact that I fear it will be regarded as an attempt at forcible release, and cause the whole White League force to go there.

No. 5.

Captain Head to Major Merrill.

MONROE, LA., *November* 6, 1874—7.45 p. m.

Have already sent all I can spare. Who accompanies Lieutenant Hodgson for protection? Infantry in this afternoon from eighteen miles' march. Mules nearly dead, and cannot move infantry before Sunday, and then not more than six men, probably. I anticipate no danger. Please answer at once.

No. 6.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November* 6, 1874.

Go yourself at once with all the men you can take. If necessary, hire transportation for seven days' rations for your own command and five days' rations for thirty men from here. Telegraph to me at once all you know of facts of arrest, where and when it occurred, and what is alleged to be the reason for the arrest. Nothing would excuse authorities if any unlawful violence were done these officers. Read my dispatch to Morey.

No. 7.

Assistant Adjutant-General to Major Merrill.

NEW ORLEANS, LA., *November* 6—9 p. m.

Your dispatches in reference to the arrest of Lieutenant Hodgson are received, and your proposed action is approved, though no official report of the charges against this officer has been received and no reply been made to the inquiries addressed to you in reference to reports concerning his conduct. Use all expedition possible and all the force at your command to prevent violence, if necessary; but instruct all your officers to be very guarded in aiding to enforce one law not to violate another. No interference is to be made with the legal process, except to have it, if you can by legal means, transferred to the United States courts.

By command of Colonel and Brevet Major-General Emory.

No. 8.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 6, 1874.

Will proceed, if possible, under statute, to transfer jurisdiction in Lieutenant Hodgson's case to United States court. Do not yet know what offense is alleged, but think it probable this can be done.

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No. 9.

Major Merrill to Frank Morey.

SHREVEPORT, LA., *November* 6, 1874.

Employ competent legal advice for Lieutenant Hodgson, and send him without delay to Vienna. See that he has with him Brightley's Digest of United States Laws, vol. 2. Refer to page 112 and following—subject, "Removal of cases from State courts," and inform him that Lieutenant Hodgson is instructed to transfer his case to United States circuit court. He should also, if possible, have with him acts of Congress of March 3, 1863, and of May 11, 1866. Telegraph me alleged cause of arrest. John Ray is stated to be suitable attorney.

No. 10.

Major Merrill to Lieut. B. H. Hodgson—sent to care of sheriff at Vienna.

SHREVEPORT, LA., *November* 6, 1874.

File with the clerk of the court before which you are brought your petition for removal of the case to United States circuit court, district of Louisiana. Have telegraphed Morey at Monroe to employ competent legal advice for you. In case he does not, do so yourself, and refer the attorney to Brightley's Digest of United States Laws, volume ii, page 112 and following—subject, "Removal of cases from State courts;" especially sections six and nine, under acts of Congress of March 3, 1863, and of May 11, 1866. After your petition is properly filed with the clerk of the court, it is unlawful for any judge or other officer to proceed any further with the matter. Telegraph me at once the cause of arrest. Act prudently, and obey all legal process. Tell Seelye that his case is covered by the same laws.

No. 11.

Major Merrill to United States Commissioner Jewett at Vienna.

SHREVEPORT, LA., *November* 6, 1874.

Have sent two telegrams to Lieutenant Hodgson. If sheriff refuses to deliver them, get copies, and ask judge of court ordering arrest to require delivery.

No. 12.

Major Merrill to operator at Vienna.

SHREVEPORT, LA., *November* 6, 1874.

Permit Mr. Jewett to make copies of my telegrams to Lieutenant Hodgson. Inform whether sheriff refuses to deliver telegrams to Lieutenant Hodgson.

No. 13.

Frank Morey to Major Merrill.

MONROE, LA., *November* 6, 1874.

Legal advice already retained. The case is one of alleged contempt of court, in not obeying *habeas corpus*, which in fact was not directed to Hodgson or Seelye; case cannot possibly be sustained in court; have telegraphed the judge to postpone case till arrival of counsel.

No. 14.

Captain Head to Major Merrill.

MONROE, LA., *November* 6, 1874—11.30 p. m.

Hodgon arrested at Monroe for contempt of court in not returning answer to writ of *habeas corpus* of Judge Trimble; case very simple; lawyer already had; no violence used; troops leave at once; shall start myself as soon as lawyer can get books.

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No. 15.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 6, 1874.

Telegram received. Positive orders have already been given every officer likely to be concerned that proper legal process in proper hands must be obeyed. Report in reference to cutting telegraph-wires delayed by non-receipt of Captain Head's report. Investigation of all facts in reference to it was ordered as soon as it was reported done, October 26, and pending investigation, and without prejudging present case, positive orders were given forbidding interference with telegraph on any pretext and by any authority whatever. Cannot yet learn facts of present case, but believe alleged reason for arrest to be as stated in last telegram. Will know all facts to-morrow. Report and copies of all orders in present case will be mailed to-morrow.

No. 16.

Major Merrill to assistant adjutant-general.

Following dispatch just received: "Legal advice already retained. Case is one of alleged contempt of court in not obeying *habeas corpus*, which, in fact, was not directed to Hodgson or Seelye. Case cannot possibly be sustained in court; have telegraphed to judge to postpone the case till arrival of counsel." Captain Head telegraphs that no violence used in making arrest. His troops leave at once, and he will start as soon as counsel can procure books; cavalry left here about 9 o'clock. Lieutenant Hodgson would arrive at Vienna about 2 o'clock to-night, and will find full telegraph instructions awaiting him: all officers cautioned to be prudent and careful.

No. 17.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 6, 1874.

Captain Head telegraphs me that he anticipates no danger to Lieutenant Hodgson and Seelye; I have, however, omitted no precaution, and former orders stand. Head can send only eight or ten men. Have instructed Lieutenant Hodgson to employ competent legal advice, and to file petition for removal of the case to United States circuit court, under acts of Congress of March 3, 1863, and May 11, 1866; no definite information of cause of arrest, but supposed to be refusal to obey writ of *habeas corpus* to produce United States prisoners. Ask Adjutant-General of Army to approve my order to employ counsel; emergency forebade delay for authority.

No. 18.

Telegraph operator at Vienna to Major Merrill.

VIENNA, LA., *November* 7, 1874—1.20.

Sheriff has no objection to Lieutenant Hodgson receiving his telegrams.

No. 19.

Sergeant Totten to Major Merrill.

VIENNA, LA., *November* 7, 1874—4.10 p. m.

Hodgson and Seelye have ten days in jail, hundred dollars fine, and costs, about four hundred dollars. They are treated well. I await orders, and have four days' rations and forage.

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No. 20.

Major Merrill to Sergeant Totten.

SHREVEPORT, LA., *November* 7, 1874.

Protect the prisoners at all hazards against illegal violence, but interfere in no way with any legal proceedings. Remain at Vienna and report to Major Bell on his arrival. Find Lieutenant Hodgson's attorney, and bring him to the telegraph office at once.

No. 21.

Lieutenant Hodgson to Major Merrill.

VIENNA, LA., *November* 7, 1874—1.25 p. m.

Offense charged, contempt of court; have been tried and sentenced to imprisonment in county jail for ten days, and payment fine of hundred dollars and cost. Have seen warrant, affidavit, and all papers bearing on the case. Let me have any advice you may wish to give.

No. 22.

Major Merrill to Lieutenant Hodgson.

SHREVEPORT, LA., *November* 7, 1874.

Has your counsel arrived from Monroe? Has your petition for transfer of the case to United States court been filed? Yourself or your counsel must at once inform me of the state of the case fully, and of all facts, by telegraph. I cannot act until I definitely know all the facts. Do not spare the telegraph, if necessary, to give full knowledge of facts. Everything is being done for you that can be, and it will come all right. Be as patient as possible, and prudent. Let me know what action is taken on your petition.

No. 23.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 7, 1874.

Following just received:

"Offense charged, contempt of court. Has been tried and sentenced to imprisonment in county jail for ten days and payment of fine of one hundred dollars and costs. Have seen affidavit and all papers bearing on the case. Let me have any advice you may wish to give.

"B. H. HODGSON,
"*Second Lieutenant Seventh Cavalry.*"

This is dated at 1.25, at Vienna, at which hour it is not probable his counsel could have reached him from Monroe. It has the appearance of having been thus summarily conducted to get through with it before he could have legal advice, and to be vindictive to the last degree. I have instructed him to file his petition for transfer of the case as soon as his attorney reaches him. I would advise that, if any United States judge can be reached, a writ of habeas corpus be issued and sent to Vienna without delay. I do not think local authority will dare disobey it, but fear no attention will be paid to his petition. The course thus far indicates a vindictive determination to punish whether the law and facts warrant it or not. If further reports make it necessary, I will go to Vienna myself. Advise me what course is pursued in getting out writ of habeas corpus. I infer that for the present there need be no apprehension of violence to the prisoners.

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No. 24.

Captain Head to Major Merrill.

VIENNA, LA., *November* 7, 1874.

Just in. Prisoners tried before my arrival. Ten days' imprisonment, hundred dollars fine and costs. No violence at all; prisoners treated kindly and courteously by every one. Everything quiet and peaceable; have no doubt of its continuance.

No. 25.

Adjutant-general to Major Merrill.

NEW ORLEANS, LA., *November* 7, 1874.

Your dispatch reporting result of trial in case of Lieutenant Hodgson received. Impossible to find district attorney to-night. As soon as he can be found his advice will be telegraphed to you.

By command of Colonel and Brevet Major-General Emory.

No. 26.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November* 7, 1874.

Report in person at the telegraph-office at once. I want to communicate with you.

No. 27.

Captain Head to Major Merrill.

VIENNA, LA., *November* 7, 1874.

I am here. Bell has just reported.

No. 28.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November*, 1874.

Is Hodgson's attorney in Vienna? Does he fully understand the course Hodgson is instructed to take? Has he necessary books with him? Is petition made out and filed? To which Captain Head replied—yes, to all your questions. Petition filed in Mr. Calvin's office, clerk of court. Attorney's name, Mr. Hardy, from Monroe. (For explanation of incorrectness of statement, in regard to filing of petition, see telegram No.—— subsequent.) To Captain Head, tell attorney to be at telegraph-office to-morrow morning at 9 o'clock. I will want to know then, if possible, what action clerk, sheriff, and judge have taken, or propose to take.

No. 29.

Major Merrill to the adjutant-general.

SHREVEPORT, LA., *November* 7, 1874.

Lieutenant Hodgson's attorney has reached Vienna, and petition for transfer of case to United States court is filed with clerk of court this evening. Action of judge, sheriff, and clerk not yet reported. Will know to-morrow what they propose to do, and advise you. Captain Head with infantry and Lieutenant Bell with cavalry have reached Vienna. Head says he apprehended no violence.

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No. 30.

Captain Head to Major Merrill.

VIENNA, LA., *November* 7, 1874.

Telegraphic message of pardon from Governor Kellogg just received. Sheriff says he will release Hodgson. No fresh writs against him, probably none will be; general desire to let Hodgson off.

No. 31.

NOVEMBER 8—Sunday.

Conversation at telegraph-office between Major Merrill and Mr. Hardy:

Q. What is status of case of Hodgson and Seelye this morning?—A. Hodgson charged with contempt of court for having refused to obey a writ of *habeas corpus;* was tried yesterday; judgment that he pay fine of hundred dollars and cost of arrest, and ten days parish jail. Will file an application for rehearing, as to him only, in the morning. Everything quiet here, perfectly, as much so as in Boston.

Q. Was not petition in case filed? If yes, what action have sheriff, clerk, and judge taken, or do they propose to take?—A. Confidently expect Trimble will remit the penalty.

Q. Will you please read my question and answer it?—A. Nothing can be done today. Will telegraph you full particulars at 9 o'clock to-morrow morning. Both parties are in jail, and jail guarded by troops.

Q. I want answer in regard to petition.—A. The judgment of the court, so far as the contempt is concerned, is final. There is no other charge against Mr. Hodgson, and I don't think any will be made.

Q. Has petition for transfer been filed?—A. As there is no other charge against Mr. Hodgson, there is nothing to transfer to the United States district court. The action tried yesterday is final, unless I can get the judgment reversed on a rehearing.

Q. Has petition been filed?—A. No petition has been filed, and there is no occasion for any now.

Q. Will you follow such instructions as are given you in regard to the further conduct of the case?—A. Certainly, unless such instructions lead to a result prejudicial to the interest of my client.

Q. Without discussing your belief that present action is final, which is not the fact, make out and file, without any delay, the petition for transfer of case to United States circuit court district of Louisiana. Take from the clerk of the court a certificate under seal, that the petition has been filed Notify the judge in proper time that such petition is on file in office of clerk of court, and ask that he take such action as acts of Congress require. Make similar notification to sheriff. Report fully by telegraph the answers of both officers to this action. Be careful that is in all respects your petition in form and substance strictly complies with terms of United States statute. If you have Brightley's Digest, vol. 2, p. 112, you will find full references to acts of Congress relating to such transfer. If judge grants a rehearing in case, bring petition to his attention and report his action on it. Do not fail to file petition without delay. Take exactly same course in regard to Deputy Marshal Seelye's case. Answer whether you fully understand and will comply. This course will in no way interfere with your application for rehearing.—A. Judge Trimble is now at his home in Farmersville, twenty-two miles distant. He will be here to-morrow morning. Will prepare petition immediately and file same in the morning, and take all necessary steps to bring the same to the attention of the proper officers of court, and advise you by telegraph of the result. I have Brightley's Digest.

Q. Report facts on following questions: Was writ of *habeas corpus* addressed to Marshal Seelye and Lieutenant Hodgson, or either of them? Was it served upon both or either of them? If yes, what return was made? Were Lieutenant Hodgson and Marshal Seelye allowed assistance of counsel at hearing before judge?—A. The so-called writ of *habeas corpus* was addressed to W. F. Aycock, sheriff of Claiborne Parish. No *habeas corpus* was addressed to Hodgson and Seelye. A copy of the writ addressed to Aycock was served on Seelye, not on Hodgson. The fact is, no writ of *habeas corpus* was ever issued to either of the prisoners; the document so called a writ of *habeas corpus* is no writ at all. It is not even a warrant of arrest. No counsel represented the prisoners. Please be in telegraph-office at 4 o'clock this p. m. I have important matters to lay before you, and will be fully prepared then to do so.

Answer of Major Merrill: "Will be here at 4 o'clock this p. m."

Sunday, 5 o'clock p. m.

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Mr. Hardy to Major Merrill.

VIENNA, LA., *November* 8, 1874—5 p. m.

My understanding is that I am employed as counsel for Mr. Hodgson. As such I have advised him to disengage his case from that of Mr. Seelye, because, first, his name is not mentioned in the so-called writ. It was not addressed to him; no copy of it was ever served on him; it did not command him to do anything. He is not recognized in the writ, so called, as having any authority, any more than the privates composing the guard. Second, Seelye is trying to cast the odium of the whole affair on Hodgson. When arrested, he said, "Men, don't shoot; Hodgson is to blame for it." Hodgson surrendered like a gentleman, and was paroled. Seelye hid in a garret, and, when found, fainted from cowardice, and was handed a glass of brandy by Judge Ludeling. He then, like a coward as he is, sought to cast the blame for the very acts he, in his official capacity, had commanded to be done, on the United States Army and her officers. Seelye is trembling with fear. Hodgson has been given the liberty of the town. His case is being understood; his position appreciated by the very citizens he arrested; sympathize with him, and will do all in their power to get him released. There are no charges against him, and there will be none. Seelye's case is just the reverse. Third, Hodgson demands that his case be conducted separate and distinct from Seelye's; that he stand or fall on his own merits. Is Mr. Seelye's wish to employ me to defend his case? I will do so if my fee is secured, not otherwise; but I cannot, and will not, prejudice my client's case by mixing up with Seelye's. Hodgson's legal defenses are unanswerable.

Major Merrill to Mr. Hardy.

SHREVEPORT, LA., *November* 8, 1874.

The cases of Lieutenant Hodgson and Seelye are entirely distinct, and to be kept so as much as possible; but as both are United States officers, arrested for alleged acts done while in their official capacity, you are to conduct both cases until further advised. Both cases have exactly the same legal principles applying to them, if I am correctly informed of the facts, and both are to be transferred under the act referred to the United States jurisdiction. Neither you nor I have anything to do with Seelye, except that he is, too, a United States officer, and entitled to full protection of the law. If he has done wrong, it is for the proper court to decide. You are employed by the United States, and not by either Seelye or Hodgson, who, as far as you are concerned, are John Doe and Richard Roe. If you will follow the plain instructions given you to act under the provisions of the United States statutes referred to, which apply to both cases, you will do exactly right. The end to be accomplished is the transfer of both cases to United States court. Colonel Morrow, an able lawyer, will be in Vienna to take direction of matters Wednesday morning. If transfer of cases is refused by judge, advise me at once, and ask delay until Colonel Morrow arrives.

No. 32.

Major Merrill to adjutant general Department of Gulf, New Orleans, La.

NOVEMBER 8, 1874.

Have instructed Lieutenant Hodgson's attorney to file with clerk of court petition for transfer of case to United States court, and he informs me that he will do so in the morning. He has applied to Judge Trimble for rehearing of the case of Hodgson, and expects favorable answer as to him only. Prisoners are in jail, guarded by troops. Attorney states that so-called writ of habeas corpus was addressed to Sheriff Aycock, of Claiborne Parish; that no habeas corpus was served on Seelye. No papers served on Hodgson. Attorney says document "so-called writ of habeas corpus is no writ at all. It is not even a warrant of arrest." At trial, prisoners were not represented by counsel. It is impossible to understand, from any information I can get, what was the exact nature of proceedings by the judge, but is very evident that the whole thing from beginning to end is full of the most extraordinary irregularities. It seems to me all-important that Colonel Morrow should get there as soon as possible.

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No. 33.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, LA., *November* 8, 1874.

Lieutenant-Colonel Morrow is ordered to consult with United States district attorney and then proceed to Vienna. He is sent, in pursuance of orders from Washington, for the purpose of investigating the alleged ill acts of Lieutenant Hodgson while in command of posse, and to render any assistance practicable in procuring the transfer of the case to the United States court. The department commander directs you to give him all assistance in your power in making his investigations.

No. 34.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 8, 1874.

Colonel Morrow will be of great usefulness. Attorney now in charge of matters appears to be a tyro. Have been trying all morning to find out present status of case, but thus far have failed. Head reported late last night that pardon has been telegraphed by governor. Cannot learn how local officers propose to act under this new phase. Will Colonel Morrow be long enough in New Orleans to-day to get statement of present status of case if I can hear what facts are?

No. 35.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November* 8, 1874.

Colonel Morrow, Thirteenth Infantry, an accomplished lawyer, will leave New Orleans for Vienna to-morrow. Give him every assistance that he asks for, and obey any order he gives without previous reference to their headquarters.

No. 36.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, LA., *November* 8, 1874.

Colonel Morrow leaves for Vienna at four p. m. to-day by command of Colonel and Brevet Major-General Emory.

No. 37.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, *November* 8, 1874.

The following has been sent to Captain Head direct: "Lieutenent-Colonel Morrow is on his way to Vienna to investigate alleged charges against military officer; suspend all action not absolutely necessary until his arrival; acknowledge receipt."

No. 38.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 9, 1874.

Is your dispatch to Head to be understood as suspending direction to file petition for transfer? If so, it should be countermanded, as rehearing, if granted, will be held to-day, and it is necessary that there be no delay in filing petition.

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No. 39.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November* 9, 1874.

Report to me by telegraph whether attorney files petition as directed. Your dispatch stating that petition had been filed seems to have been an error. Copy of Platt's dispatch received here.

No. 40.

Captain Head to Major Merrill.

VIENNA, LA., *November* 9, 1874.

Received dispatch from Platt ordering suspension of all action not absolutely necessary until arrival of Morrow; advised him of status of Hodgson's case, and requested definite instructions; had no time to get instructions from you, as counsel must know at once, so telegraphed direct to Platt.

No. 41.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, LA., *November* 9, 1874.

Head has been telegraphed that the telegram to him yesterday referred only to any action of his and not to action of counsel, who will not be interfered with in legal efforts to have the case of Lieutenant Hodgson properly presented.

By command of Colonel and Brevet Major-General Emory.

No. 42.

Captain Head to Major Merrill.

VIENNA, LA., *November* 9, 1874.

When I arrived, Saturday night, saw your dispatch to Hodgson, instructing him to file with clerk of court a petition for removal of his case to the United States circuit court, district Louisiana. The clerk of the court was present; I asked him if the petition had been filed; his answer was "Yes." I telegraphed you accordingly. The clerk informs me the petition he referred to was the one on which *habeas corpus* was sued out. Hence the error. Hardy is now on Hodgson's case.

No. 43.

Major Merrill to assistant adjutant-general.

NOVEMBER 9, 1874.

Following telegram just received from Monroe: "Action of Captain Head, at Vienna, has been unofficer-like and disgraceful. I request he be relieved at once, by telegraph. I will prefer charges. (Signed,) Frank Morey." As usual, not a single statement of facts that should be known. I have repeated this to Lieutenant Bell, in whose good sense and prudence I have confidence, and directed him to show it to Captain Head, and report by telegraph, without delay, what are the facts. I sent order to Captain Head yesterday to make no move of troops from Vienna without order, and on Colonel Morrow's arrival to give him every assistance in his power, and obey at once any order Colonel Morrow gives without referring it to these headquarters. Information last night from attorney indicated that proceedings of judge have been without any warrant of law, and to the last extreme vindictive and unjust. My whole endeavor has been to have

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such action taken as would insure transfer of the cases to United States court under act of Congress previously referred to, and act of May 31, 1870, and amendment of February 28, 1871, section sixteen. Up to last night not a single instruction looking to this, and which I gave to Lieutenant Hodgson. Captain Head, and the attorney, appears to have been obeyed. Orders given Captain Head from department headquarters have further complicated the matter, and I fear that on Colonel Morrow's arrival he will find it is too late to take the course heretofore indicated. It appears to be found by the department commander and authorities at Washington, that Lieutenant Hodgson has done wrong. Every trustworthy report which I have tends to establish that he has acted wholly right, and that no efforts of the authorities should be spared to relieve him from the gross injustice to which he is now subjected. I trust that this view of the case will be taken until Colonel Morrow can be heard from. To avoid possible complication, Lieutenant Hodgson and his attorney and all other officers at Vienna will be peremptorily ordered to obey every order and suggestion of Colonel Morrow without hesitation.

No. 44.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, LA., *November* 9, 1874.

Your dispatch of this date received. The only orders given Captain Head direct from these headquarters in reference to case of Lieutenant Hodgson have been to suspend all military action, except such as might be absolutely necessary, until the arrival of Colonel Morrow, and not to interfere with the attorney in any legal attempt to have the case properly presented. Copies of these instructions were sent you by telegraph. It is not seen, therefore, with what justice you can say these instructions have complicated matters. Send by mail any explanation you have to make for this assertion.

By command of Colonel and Brevet Major-General Emory.

No. 45.

Major Merrill to Captain Head.

VIENNA, LA., *November* 9, 1874.

Instruct Lieutenant Hodgson and his attorney and Lieutenant Bell and yourself that upon Colonel Morrow's arrival the guidance and conduct of all matters connected with present proceedings is to be yielded to him, and that all orders, suggestions, and instructions coming from him are to be implicitly obeyed. Colonel Morrow left New Orleans at 4 p. m. yesterday.

No. 46.

Major Merrill to Captain Head.

VIENNA, LA., *November* 9, 1874.

Have copies of all my dispatches relating to present matter ready to submit to Colonel Morrow on his arrival. Also copies of all dispatches to me from attorney and others connected with case. Telegraph-operator has authority to allow copies to be made.

No. 47.

Major Merrill to telegraph-operator.

NOVEMBER 9, 1874.

You are authorized and requested to permit copies to be made referred to in my dispatches to Captain Head.

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No. 48.

Captain Head to Major Merrill.

VIENNA, LA., *November* 9, 1874.

Judge Trimble has just reversed sentence and discharged Hodgson; no fresh writs against him and will be none; what shall I do with him?

No. 49.

Major Merrill to assistant adjutant-general.

November 9, 1874.

Following just received:

"Judge Trimble has just reversed sentence and discharged Hodgson. No fresh writs against him and will be none; what shall I do with him?"

G. E. HEAD, *Captain Third Infantry.*

Have ordered that no action be taken until Colonel Morrow arrives.

No. 50.

Major Merrill to Captain Head.

Take no action until Colonel Morrow arrives.

No. 51.

Major Merrill to Captain Head.

NOVEMBER 10, 1874.

Without delay, give me distinct and categorical answer to following:

Was petition for transfer of Hodgson's case filed? If no, why not? Has petition been filed in Seelye's case? Inform me when General Morrow arrives.

No. 52.

Captain Head to Major Merrill.

VIENNA, *November* 10, 1874.

No. No case on docket against Hodgson to transfer; no petition for transfer in Seelye's case filed.

No. 53.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, *November* 10, 1874.

Direct Lieutenant Hodgson to rejoin his company for the present with his detachment as soon as Colonel Morrow has received his statement, and send Head back to Monroe; his presence is no longer required at Vienna.

No. 54.

Major Merrill to Captain Head.

NOVEMBER 10, 1874.

By direction of the department commander you will return to Monroe with your own command.

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No. 55.

Major Merrill to Lieutenant Hodgson.

NOVEMBER 10, 1874.

By direction of department commander you will rejoin your company for the present, with your detachment, as soon as Colonel Morrow has received your statement.

No. 56.

Major Merrill to Captain Head.

NOVEMBER 10, 1874.

Telegram of this morning received. Order complied with.

No. 57.

[In cipher.]

Captain Head to Major Merrill.

VIENNA, LA., *November* 10, 1874—6 p. m.

Hodgson's counsel is informed that grand jury now in session has found true bill against Hodgson for violation of statute cutting telegraph-wires. He is not to be arrested until to-morrow morning. Citizens offer to give bond. Morrow not arrived. What shall I do, first with regard to orders just received; second, with regard to Hodgson? Answer me in cipher.

No. 58.

[In cipher.]

W. R. Hardy, attorney, to Major Merrill.

VIENNA, LA., *November* 10—6 p. m.

They give Hodgson till to-morrow morning to get out of the way. I advise nothing. Am prepared to go into the fight if one is to be made, but deem the presence of Captain Head invaluable. He has formed and now controls public opinion. Retain him if compatible with the interests of service. I forward this with the approval of Bell and Hodgson.

No. 59.

[In cipher.]

Lieutenant Bell to Major Merrill.

VIENNA, LA., *November* 10—6 p. m.

A true bill has been found by the grand jury against Lieutenant Hodgson. No effort will be made to serve the warrant until to-morrow morning. By that time can be out of the way. Can I not be ordered to proceed with cavalry command at once to Shreveport? Colonel Morrow has not arrived.

No. 60.

Major Merrill to Lieutenant Bell.

SHREVEPORT, LA., *November* 10, 1874.

If I understand your message the answer is no. There is no need of cipher in the matter. There must be no interference with proper legal proceedings, and if this time I can get some one to obey positive orders there will be no difficulty in the case. Head has full instructions.

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No. 61.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November* 10, 1874.

If it be possible to induce on your part, or Hodgson's, or his attorney's any obedience or attention whatever to instructions, do as follows: Request petition for transfer of case to United States circuit court to be filed as in former case directed to be done. Let the warrant be served and obeyed, and immediately file petition with clerk of court. The acts of Congress under which this is done are those noted in previous instructions. These acts are extended to cover present cases by act of February 28, 1871, section 16, amendatory to election-law of previous session. The attorney you now have is evidently an obstinate ignoramus. If a better one can be found, employ him. Answer if you fully understand.

No. 62.

Major Merrill to Hardy.

SHREVEPORT, LA., *November* 10, 1874.

There is no need of cipher. If your obstinacy will permit you to obey plain instructions, there will be no "fight" to make. You utterly failed before to do as you were told. This time there must be no failure; instructions must be implicitly obeyed. The course to be taken is so plain and simple that a student would understand it. I want an explicit answer whether you will do as you are told this time.

No. 63.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 10, 1874.

Captain Head telegraphs me that Colonel Morrow has not arrived; that grand jury have found indictment against Hodgson, and warrant will be served to-morrow morning. Have ordered positively that there shall be no evasion or interference with legal proceedings; that warrant must be answered quietly, and petition at once filed for transfer of case to United States circuit court. Failed entirely to get my instructions obeyed before; hope this time to secure prompt obedience. Shall I suspend order to Head to move to Monroe? Have you any special instructions? Will wait at telegraph-office for answer.

No. 64.

Colonel Morrow to Major Merrill.

VIENNA, LA., *November* 10, 1874.

I think Lieutenant Hodgson should be placed in arrest immediately for cutting telegraph-wires October 25. If it is done, the military will acquire jurisdiction of the case and avoid arrest by the civil authorities. Unless you order it to-night, Hodgson will be arrested to-morrow morning. Answer me at once.

No. 65.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November* 10, 1874.

Place Lieutenant Hodgson in arrest, charged with conduct to the prejudice of good order and military discipline, in cutting, or allowing to be cut by his command, the wires of the Western Union Telegraph Company on the 20th of October last. Acknowledge receipt.

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No. 66.

Major Merrill to Colonel Morrow.

SHREVEPORT, LA., *November* 10, 1874.

Give all needful orders. Officers are instructed to obey your orders.

Read my dispatches and examine statutes, and advise me whether that course had best be pursued.

(Following in cipher:) I doubt whether the course now taken will be satisfactory. Do not wish to appear to evade legal process. No doubt in my mind that course indicated in my dispatches will hold water. Have assistance here of good attorney, who has examined with me all the acts of Congress, and is confident of course to be pursued. But will follow your advice in matter.

No. 67.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 10, 1874.

Colonel Morrow has just now arrived at Vienna. I have now no further anxiety about matters going right. His advice and orders will be obeyed.

No. 68.

Major Merrill to General Morrow.

SHREVEPORT, LA., *November* 10, 1874.

Please read all my dispatches giving instructions regarding conduct of cases of Lieutenant Hodgson and Seelye. Instructions were given under acts of March 3, 1863, amended by act of May 11, 1866, and act of May 31, 1870, amended by act of February 28, 1871. Attorney in charge of case seems to be utterly incompetent, and to have failed to do anything he was directed to. Advise me whether it is too late to secure transfer of cases. Transfer is so urgently important that no effort should be spared to obey all orders and instructions you shall give. I deem it very important that you should come here on your way back.

No. 69.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, LA., *November* 11, 1874—8.40 a. m.

Suspend the order to return Captain Head to Monroe until Hodgson and other matters at Vienna are settled.

By command of Colonel and Brevet Major-General Emory.

No. 70.

Colonel Morrow to Major Merrill.

VIENNA, LA., *November* 11, 1874.

Hodgson indicted for cutting wires; no arrest will be made until after his case is disposed of by the military. I have telegraphed General Emory about coming to Shreveport. Could not read your cipher.

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No. 71.

Major Merrill to Colonel Morrow.

SHREVEPORT, LA., *November* 11, 1874—10.20 a. m.

I deem it most highly important that cases of Hodgson and Seelye both should be transferred to United States courts. If present status of these cases becomes a precedent, it will become impossible to serve a process or send out a posse. I hope that the important principle involved will be kept in mind.

No. 72.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November* 11, 1874—10.20 a. m.

Your order to return to Monroe is suspended until further orders.

No. 73.

Colonel Morrow to Major Merrill.

VIENNA, LA., *November* 11, 1874—11 a. m.

At present there is no case against Hodgson, and therefore nothing to transfer to United States court. He has been released from confinement under the contempt case, and until he is indicted there is nothing against him. He is now in close arrest for cutting telegraph-wires and unofficer-like conduct at the time of the service of writ of habeas corpus. If he is indicted this morning, I will advise Head to refuse to surrender him on the ground that the military has acquired jurisdiction of the case. Will telegraph after awhile, when I know something more. Your lawyer here is all right.

No. 74.

Captain Head to Major Merrill.

VIENNA, LA., *November* 11, 1874—10 a. m.

Telegram received. Orders will be obeyed.

No. 75.

Colonel Morrow to Major Merrill.

VIENNA, LA., *November* 11, 1874—2.30 p. m.

Everything here is in the best shape possible. No principles shall be sacrificed. Justice will be done, and a few hours more will be sufficient to strip this business of all embarrassments. I know many things you do not, and cannot tell you for the want of cipher. I am in communication with General Emory. You will hear from me in the morning.

No. 76.

Major Merrill to Colonel Morrow.

SHREVEPORT, LA., *November* 11, 1874.

Do you consider that Seelye's safety requires further presence of troops at Vienna? Is there any reason connected with Hodgson's matters which should keep cavalry there? Substance of cipher dispatch as follows: I doubt whether course now taken will be satisfactory because of appearance of evading legal process. Am thoroughly satisfied that course indicated in my dispatch is finally best, but will follow your advice in the matter.

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No. 77.

Colonel Morrow to Major Merrill.

VIENNA, LA., *November* 11, 1874—7.20 p. m.

Will telegraph you in the morning as to whether troops are needed here any longer. General Emory will not permit me to come to Shreveport.

No. 78.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 11, 1874.

Is it desired that any further effort shall be made to change jurisdiction to United States court in case of Deputy Marshal Seelye? He is still in jail. If it is not, I will order all troops now at Vienna to return to respective posts as soon as advised by Colonel Morrow that he considers necessity for them at Vienna post. Advise me of any orders of department commander regarding proposed action.

No. 79.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, LA., *November* 11, 1874—8.45 p. m.

The acts of Deputy Marshal Seelye are in no way under guidance or jurisdiction of the department commander or any other military officer, and unless legally called upon by civil authorities to do so, the military cannot interfere in the matter by (?).

No. 80.

Colonel Morrow to Major Merrill.

VIENNA, LA., *November* 12, 1874—10 a. m.

In answer to your telegram of yesterday I answer that Seelye and Hodgson are perfectly safe, and nothing would happen to them if they were left here alone. Bell's detachment of cavalry can be ordered away whenever you see fit. Head should remain here until you hear further from me.

No. 81.

Assistant adjutant-general to Major Merrill.

NEW ORLEANS, *November* 12, 1874.

The following is sent to Colonel Morrow, and is communicated to you, that you may, if necessary, modify any instructions given: "I suppose you are aware that Head is ordered back to Monroe." There will be no objection to Hodgson's going with him in accordance with the arrangements you appear to have made; it will be impracticable to keep them at Vienna, because it is out of the line of supply.

No. 82.

Major Merrill to assistant-adjutant general.

SHREVEPORT, LA., *November* 12, 1874.

Colonel Morrow telegraphs: "Seelye and Hodgson are perfectly safe; nothing would happen to them if left here alone. Bell's detachment of cavalry can be ordered away whenever you see fit. Head should remain here until you hear further from me."

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Requisitions are here for posse to assist United States marshal in same section of country; under present complications think it very desirous that compliance with such requisitions shall be delayed. Will order cavalry to return here at once. Head to remain until Morrow shall be through with him; requisitions to be held for the present. Do you approve this course? If it is possible for Colonel Morrow to return via Shreveport, important matters will be facilitated greatly. This route will take only thirty-six hours longer.

No. 83.

Colonel Morrow to Major Merrill.

VIENNA, LA., *November* 12, 1874—1 p. m.

Motion for transfer of Seelye's case to United States court presented, argued, and denied. He then gave bail and was released from confinement. He has since been arrested by United States marshal for embezzlement, and is in custody of marshal. There is no further necessity for troops here. Head and Bell are waiting for your orders.

No. 84.

Major Merrill to Captain Head.

SHREVEPORT, LA., *November* 12, 1874—4.10 p. m.

Order Lieutenant Bell with cavalry to return to Shreveport. Return yourself with your command to Monroe. Consult Colonel Morrow, and give such orders as he directs to Lieutenant Hodgson.

No. 85.

Major Merrill to assistant adjutant-general.

SHREVEPORT, LA., *November* 12, 1874.

Your telegram to Colonel Morrow received: "Morrow telegraphs no further necessity for troops here." Following sent to Head: "Order Bell with cavalry to Shreveport. Return yourself with your command to Monroe. Consult Colonel Morrow, and give such orders as he directs to Lieutenant Hodgson."

No. 86.

Colonel Morrow to Major Merrill.

VIENNA, LA., *November* 12, 1874—4.10 p. m.

General Emory telegraphs that Head is ordered back to Monroe. Can he go to-morrow morning, and take Seelye? Please answer at once.

No. 87.

Major Merrill to Colonel Morrow.

SHREVEPORT, LA., *November* 12, 1874.

Head can go whenever you say. Has orders now to return to Monroe, and can take Seelye.

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No. 88.

Hardy to Major Merrill.

VIENNA, LA., *November* 13, 1874.

General Morrow approves of the manner in which I conducted Hodgson's case. Further communication with you on this subject is respectfully declined. Charges will be preferred against you for conduct unbecoming an officer and a gentleman. There is a wide difference between a gentleman and a blackguard; you furnish an illustration. I hold myself personally responsible for my words to you.

[Of this dispatch no notice was taken and no reply made.]

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., November 28, 1874.

SIR: Major Merrill telegraphs that there is a bad state of affairs in the Upper Red River district; that negroes are murdered and otherwise ill treated, and asks additional force. He has now three companies of cavalry and five of infantry, and I have informed him that as soon as the pressure here is over, I will send additional force, and he is authorized to make some changes in the force now there by strengthening points where troops are most needed.

Persons from a portion of that district, some of them claiming to be republicans, represent a different state of things, and aver that any respectable deputy United States marshal can travel through that country and serve writs without opposition or without being molested. In some cases, too, it has come under my observation that officers new in the duties of aiding the United States marshal have not confined themselves strictly to the duties with which they are charged, and have, beyond doubt, been led into deviations from the line of duty, which, as I have stated in my annual report, was undefined, and which it was then earnestly asked should be defined.

Under the circumstances stated in the foregoing part of this letter, and to prevent further abuses, if any, and to guard against misrepresentation, and obtain all the facts in the case, I have concluded to send Lieut. Col. H. A. Morrow, Thirteenth Infantry, an officer of judgment and discretion, into that district, with instructions, of which the inclosed paper is a copy.

I am, sir, very respectfully, your obedient servant,

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

The ADJUTANT-GENERAL *of the Army.*
(Through headquarters Division of the South.)

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., November 28, 1874.

COLONEL: The reports from the Upper Red River Parishes, particularly those from Caddo and De Soto, show a very disturbed condition of affairs, but are so conflicting that it becomes necessary that a full knowledge of the facts shall be known. You are, therefore, directed to proceed to Shreveport, La., and, after conferring with Major Merrill, the commanding officer of that district, make, as far as in your power, a thorough investigation of the condition of things there, having reference particularly to the necessity of sending more United States troops to that district. Your inquiries will be directed also to the necessity of employing so large a number of troops as has been

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done as *posse comitatus* to the United States marshal in serving writs for the execution of civil process, and the part taken by those troops in the execution of that duty.

The opportunity will be taken advantage of to make a thorough inspection of all the different posts along the river, down as far as Alexandria; to ascertain the condition of the troops, the character of the locality in which they are placed in regard to their health and comfort during the winter, and the regularity with which they receive their supplies.

You are also directed to report upon the action of each and every officer at the posts you visit in that district and at district headquarters as to the part they may have taken in aiding the civil authorities in keeping the peace and in enforcing the laws. You are desired to report from time to time the result of your inspection on each separate post or headquarters as you may inspect it, and will return to this city after having completed the duty assigned you.

I am, colonel, very respectfully, your obedient servant,

E. R. PLATT,
Assistant Adjutant-General.

Lieut. Col. H. A. MORROW, *Thirteenth Infantry.*

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 9, 1874.

Respectfully forwarded to the assistant adjutant-general, headquarters of the Army.

IRVIN McDOWELL,
Major-General, Commanding.

HEADQUARTERS OF THE ARMY,
Saint Louis, December 11, 1874.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN, *General.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 14, 1874.

Respectfully submitted to the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, La., November 26, 1874.

SIR: The following detailed statement of the facts reported yesterday and to-day in my cipher-telegram is respectfully submitted.

On Saturday last at Red Bluff, in De Soto Parish, about fourteen miles from here, a man named Fisher, claiming to be a deputy sheriff of De Soto Parish, came to the house of a negro named Alston, and nailed up his corn-crib, claiming to do so under a legal attachment. No resistance was offered by the negro except to remonstrate against Fisher doing this without exhibiting any legal authority for it. The negro was informed by Fisher that he (the negro) and every other radical in that section would be driven out, and that the leaders might consider themselves well off if they escaped with their lives; that he (Fisher) would "be back on Monday with a crowd and clean them out," especially John Alston, a brother of the first-mentioned Alston, who was denounced as a bad man, who had induced the other negroes to vote the radical ticket. Inquiry was made at the time for John Alston, who lived near, but was not at home. Fisher and the man with him then left.

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The threats so alarmed Peter Alston that he fled and came to Shreveport on Sunday to ask advice as to what to do. John Alston, who appears to have been especially obnoxious as a negro leader, remained at home.

On Monday, Fisher, with a party of seven men, came back to Peter Alston's place, with a number of wagons, and proceeded to load up the corn and cotton, which it was claimed had been seized by the attachment. John Alston, who appears to have been above the average in intelligence and pluck, came to the party who were about to carry off the corn and cotton and protested (from the statements made in mild and proper terms) against this being done, unless by legal authority. After being beaten over the head by Fisher with a pistol, and bitterly denounced for his political leadership, he was seized and held as a prisoner until the loading of the wagons was completed, except one which had only part of a load, because all the cotton and corn were insufficient to complete the load. Fisher and his party then announced that they would go to John Alston's house and get enough cotton to complete this load.

The crowd of white men with Fisher started (having John Alston still as their prisoner) by the public road. The negroes who were present, (some four or five,) fearing that violence was about to be done Alston, went by a by-road through the woods, and came out into the main road just in time to see Alston brutally murdered by Fisher and his gang, who immediately after the killing mounted their horses and rode rapidly away. They went in the direction of the house of another negro, also a prominent radical, who, however, was warned by some of the negroes, taking a short cut in time to escape before the party reached his house, where, after hunting him in vain, they left in the direction of Mansfield.

On Monday night and Tuesday and Tuesday night numerous bodies of white men (armed) rode through the county in every direction, and, so far as heard from, through the few negroes who remained at home, occupied themselves in inquiry after various prominent negroes, generally accompanying the inquiries with threats of what was proposed to do with them if found.

The negroes throughout that section of De Soto generally fled and hid in the woods and swamps; some of them making their way here.

It is impossible to be sure how accurate much of the information they give is as to details, as, for instance, whether certain negroes reported killed are really killed, or have succeeded in hiding away and escaping. But the facts of John Alston's murder and of numerous acts of violence, such as whipping and beating, and of the general flight and terror of the negroes, are well authenticated, as here stated.

Since Tuesday night but little additional information has been received. No negroes have come in, and of course it is impossible to get any information from the whites. The negroes say that the latter are guarding the roads leading into Shreveport to prevent any negroes from coming this way.

Many negroes coming in seek the camp, and come to me to plead for protection for themselves and their families. The only thing I can do is to send them to the United States commissioner, who is engaged in investigating the facts of the murder and other violence.

From other sections come others daily with similar complaints of being maltreated, threatened, and driven terror-struck from their houses and crops.

The condition of these poor people is pitiable. They are systematically plundered of their crops and driven away from their homes at best, when they even escape personal violence or death, in such num-

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bers that it is not exaggeration to say that the entire black population of this section is absolutely terror-struck, and, if remaining at their homes at all, doing so in almost hourly apprehension of the visits of White Leaguers. Large numbers of them dare not go to their homes at all, and in several instances that I have seen families are scattered to the four winds—the father here, and wife and children somewhere hidden in the woods. There is absolutely no hope for them from the enforcement of any local law; from this they can get no protection whatever. It moves me deeply to hear their sad stories of wrong, outrage, and lawless violence, and their pleading for protection against the devilish vengeance of these people, but I am as powerless to help them as they are to help themselves. My powers are exhausted in sending them to the United States commissioner, and in many cases no United States statute covers the wrong done them.

I much fear, too, that this is only the beginning. The temper of the large majority of the whites is fairly expressed by the editorial from the Shreveport Times sent you some days since. If they cannot have their way, assassination is to be their remedy, and even if politically they are recognized as being successful, there is a settled determination and declared purpose that the radical leaders, white and black, must leave the country or be killed.

The Alston affair is, in my view, merely an episode in the general drift of events, and indicates the not distant point toward which they are shaping themselves. I do not see that the military can do anything except furnish the strength to arrest such of the perpetrators of these crimes as have infringed United States laws, but it does seem very unfortunate that all the information which reaches the public in reference to such crimes should be of the character of the following, which is the account of the Alston affair as given in the Shreveport Times, and is likely to be the only account of it which will reach the newspapers. The account of it which I have given is, I have no question, strictly accurate. I append the story as published.

The only hope which I see for arresting such crime and keeping it from drifting into a general outbreak, is for the United States civil authorities to exert themselves to bring to condign punishment such of the criminals as have violated United States laws. If such a state of things as is now rapidly coming about here continues long, it is very certain that the time will shortly follow when the negroes under such persecution will turn on their assailants. It will be a sad day for the country when this comes; but no race of men with the power in their hand, whenever they choose to use it, ever long endured such harassing without an effort at retaliation. It is no part of my duty, even if I could, to suggest the remedy. I merely report the facts.

I am, very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

ADJUTANT GENERAL,
Department of the Gulf.

[From the Shreveport Times of November 26, 1874.]

Killing in De Soto Parish.—On Saturday last, Mr. John Fisher, constable, went to Dr. S. Frierson's plantation, in De Soto Parish, to serve a writ of attachment and seizure against the cotton-crop of one John Alston, a negro, who was in debt to Dr. Frierson, when the two brothers, John and Peter Alston, resisted, and with shot-guns drove

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him off the place, threatening to kill him if he returned, and telling him if he brought a posse to arrest him, they (Alstons) would have friends there to mee thim. On Monday the constable, with two men, went to execute the writ, and met on the place a party of negroes, headed by John Alston, who presented a shot-gun and threatened Fisher, whereupon Fisher at once shot him dead. The other negroes ran off, and made no further demonstrations, but two of the number came to Shreveport for troops.

The verdict of the coroner's jury was that the deceased was killed by John Fisher in the legitimate discharge of his duty as an officer.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 14, 1874.

Respectfully forwarded to headquarters Division of the South for the information of the division commander.

W. H. EMORY,
Col. and Bvt. Maj. Gen.

[Second indorsement.]

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 9, 1874.

Respectfully forwarded to the assistant adjutant-general, headquarters of the Army.

IRVIN McDOWELL,
Major-General, Commanding.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, December 11, 1874.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN,
General.

[Fourth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 14, 1874.

Respectfully submitted to the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

SHREVEPORT, LA., *December* 3, 1874.

SIR: I have the honor to respectfully submit for your information the following report:

In accordance with instructions received Saturday, November 28, I held myself and detachment of twenty men of Company B, Seventh Cavalry, in readiness to accompany Deputy United States Marshal O'Neal into De Soto Parish, Louisiana, to protect him in making the arrest of certain parties concerned in the murder of one Alston, (colored), a citizen of said parish.

Having waited for nearly two days, I was notified by the deputy marshal, November 30, that he was ready. I marched in the direction of Mansfield for a distance of twenty-four miles to a point where the ro

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from Ketchie to Red Bluff crosses, where we took the direction of the latter place, marched two miles, and went into camp.

Soon after dark, the deputy marshal made a request for a non-commissioned officer and seven men, which were given him, with which he proceeded to the vicinity of Dr. Fryerson's mill, about eight miles from my camp, and there made the arrest of three of the persons for whom warrants were issued. Having made the arrests, he returned to camp with detachment and prisoners, arriving there about 4 o'clock a. m. At 5 a. m. I started with the marshal for the house of John Fisher, a distance of two and a half miles, with a detachment of five men, but, upon arriving at his house, found that he had left suddenly the previous morning. I accompanied the marshal to make this arrest, because the report had reached us that Fisher, who was the prime mover in the murder, had declared his intention not to be arrested, and I desired to be present to direct matters in case of trouble or violence. We then returned to camp, and at 8 a. m. broke camp, and started on the march for Kingston and vicinity, where the remaining persons for whom warrants were held were supposed to live; but after marching about thirty-five miles in different direction, we went into camp near Emory's store, about twenty miles from Shreveport, on the road to Kingston, the parties for whom the marshal was in search having left their homes for parts unknown.

The day following, December 2, being informed by the marshal that nothing further could be done, the command returned to camp.

In no community where I have yet been have I found the condition of things as unfavorable as in the parish of De Soto. There seems to be a perfect condition of lawlessness, and the negroes are in a continual state of terror, and hopeless as to their prospect of obtaining justice from the parish court. The whites, as far as I could learn, are members of the White League, and are bitter in their enmity to the blacks, and unquestionably intend to adhere to the resolution of the league, entered into before the election, to drive out of the country, or kill if they remained, all colored citizens who voted the radical ticket. The murder of Alston is the first fruit of this determination, and unless the law takes prompt and severe action toward the murderers of this man, other crimes still more atrocious will unquestionably follow.

I visited the scene of the Alston murder, and from all the circumstances in the case, am free to denounce it as one of the most barbarous and unwarranted murders which has ever come under my notice.

The party which did the killing consisted of seven white men, armed and under the leadership of one John Fisher, acting as deputy constable, or sheriff of the parish, as he claimed. Alston was arrested by this party on his own premises, and being unarmed was in no way able to inflict harm upon the white men composing the party. Apparently without cause, they made an attack upon him and beat him over the head with a pistol, whereupon Alston, fearing he would be killed, started to run, but was overtaken while crossing the fence surrounding his lot, and struck on the head with an ax. Having recovered from the blow of the ax, he again ran for the woods a few hundred yards distant, but was again overtaken just as he got to the edge of the timber and shot dead, one shot taking effect in the head and the other in the neck. When shot he fell dead on his face, after which the body was turned upon its back and shot full of balls.

A coroner's jury, composed of white men, sat upon the body and rendered a verdict to the effect that the man came to his death from gunshot wounds received at the hands of John Fisher, done in self-defense,

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or while in the legitimate discharge of his duty. The day following the murder, John Fisher collected a company of about sixty armed men and visited the vicinity of the murder for the purpose of intimidating the black people, and to deter them from taking revenge upon the white people of the neighborhood. The result was that many of the negroes took to the woods.

No demonstration was made against the marshal, nor effort made to rescue the prisoners by any one.

Much of my information as to the condition of De Soto Parish was received from a member of the White League, and is thoroughly reliable.

From what I know of De Soto Parish I do not think arrests could be made by any United States officer unaccompanied by a military posse.

Very respectfully, your obedient servant,

JAS. M. BELL,
First Lieutenant, Seventh Cavalry.

COMMANDING OFFICER DISTRICT UPPER RED RIVER,
Shreveport, La.

(Through post headquarters.)

[Indorsements.]

(Forwarded by commmanding officer, Shreveport, La.)

[Second indorsement.]

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, December 13, 1874.

Respectfully forwarded to headquarters Department of the Gulf.

This report flatly contradicts the statement published in some of the New Orleans papers, as made officially to the State returning board, that the military in Bossier Parish interfered with the freedom of numerous whites on election-day. I have no question this report is accurate in all particulars.

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 21, 1874.

Respectfully forwarded to headquarters Division of the South, for the information of the division commander.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Fourth indorsement.]

HEADQUARTERS DIVISION OF THE SOUTH,
January 8, 1875.

Respectfully forwarded.

IRVIN McDOWELL,
Major-General, Commanding.

[Fifth indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, January 14, 1875.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN,
General.

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HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, La., January 11, 1875.

SIR: The disturbed condition of affairs in this district is likely to be so much aggravated by the state of things hereinafter referred to that it becomes necessary to report the facts, and ask that the attention of the proper departments of the National and State governments be given them promptly, with a view, if possible, to prevent the mischief threatening to result. While the military have no immediate concern with what is being done, and no authority in the premises, it promises to complicate very seriously the duty put upon them, and to add such grave difficulties to those already existing that no time should be lost in having the proper civil officers urged to take legal action to correct it. There is no civil functionary of the United States now here who could act in the matter. The only United States commissioner within reach is worthless and ignorant of his duty. The State laws in this parish have little show of execution, and practically afford no relief for persecuted negroes, while in De Soto there is no more law in force than is convenient to use in robbing a negro of his year's earnings, or in shielding a party of brutal murderers by holding a sham inquest on the body of their victim, and pronouncing a cruel and bloody murder justifiable homicide. There is therefore no local civil remedy. It will become necessary for the higher civil functionaries of the State and United States to act.

Before the late election, the white people generally of this parish and De Soto endeavored to control the colored vote by threatening to deprive of homes and labor all negroes who did not vote as they might dictate. This threat, coupled with the turbulent violence of language and conduct habitual with the political leaders of the whites during the political canvass and closely imitated by many of their followers, had, in considerable measure, the effect intended. Many negroes voted as required to, and a still larger number did not vote at all; but great numbers in both parishes refused to yield, and voted the so-called radical ticket. At most of the polling-places outside of the town, lists were kept of those who voted in that way, and these lists have since been printed and distributed among the planters with a view to carrying out the threat.

I have had occasion several times in my previous reports to say that I believe it was the fixed purpose of the majority of the whites in this section to compel the radical leaders to leave the country. I have had no occasion as yet to modify this belief. I believe nothing less will content the leaders, and that they well enough control the followers to secure this end. But the great mass of the radical voters being the common laborers of the country, though they were threatened with proceedings which would drive out of the country them also, I supposed until recently would not be seriously disturbed in this way. It now seems that even self-interest will not control the blind passion and intolerance of these people, and that they seriously contemplate driving away all the negroes who voted the radical ticket, so far as this can be accomplished by carrying out the agreement which they entered into before the election. A good deal of this has been going on ever since the election, but, until recently, the cases which came to my knowledge, although very numerous, had appearance of being prompted chiefly by greed, being generally accompanied by the plundering of the negro of pretty much all of his possessions, usually under some form of legal authority, but rarely with any show of justice. This gave me the im-

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pression that the agreement was being used only as a cloak and excuse for robbery, and, while a serious evil, was not likely to become general. Within the last three, and especially last two, weeks, however, the cases have become so numerous, and occurring with persons who pecuniarily deal fairly with the negroes, that I am satisfied there is to be a general turning adrift of all negroes who voted the radical ticket. Two meetings that I know of have been held, where it was resolved to do this. Other similar meetings are stated to have been held.

Within the last week two committees of negroes from De Soto Parish, one from the eastern side and one from the northwest side, have come to me to state the facts and ask advice. Individual negroes in numbers have come from other parts of that parish and from the southern end of this one, with the same statements. It has become evident that the movement is general and extensive. The facts, as I learn them from them and from other sources, I believe to be as follows:

Extensive organizations of white people were made before the election, who agreed and pledged themselves to the effect that they would not renew contracts of labor or leases of land or houses on any terms with any negro who voted the radical ticket; that they would not give employment or leases to any such who were driven away from others: that they would not trade with, countenance, or have any relations with any merchant who traded with persons who refused to come into this agreement; that they would not hold any relations with any planter or employer of labor who refused to join in this agreement.

These organizations practically cover the whole of De Soto Parish and the southern end of Caddo, and exist extensively in the west of Caddo, including this town. They exist extensively elsewhere in the district; but of other places, from insufficient information, I do not now speak.

Persons who have not seen the social ostracism practiced by these people upon any one who is independent enough to assert his right to do his own thinking can form little idea of the tremendous pressure which is brought to bear upon the unwilling by a general agreement of the kind noted. Indeed, the tyranny and intolerance of the few violent leaders is so great that few have the moral courage to stand out against it in anything, and the effect is that they rule the whole community with a rod of iron. From this it comes that such agreements, when once begun in any neighborhood, soon compelled every white man to join in them.

This agreement is now being carried out, in many cases, beyond doubt, unwillingly, which, however, only proves how strong the pressure is. The result is that already there are very many negroes driven from their present homes, and the number is daily and very rapidly increasing. The statement is uniform that they are told that they must go because they voted the radical ticket at the election, and that every application for a lease or employment from others is met at once by the inquiry, "How did you vote?" and the statement that no radical shall find a home or employment in this country. From the information I now have, I think it is a moderate estimate to state at over five hundred the number of families in this and De Soto Parish who are now driven out for this cause and wandering in search of new homes. I have no doubt, indeed, that the number by this time greatly exceeds that given. These families will probably average four persons each, which makes, men, women, and children, more than two thousand persons in this small section who are homeless wanderers, and by far the larger part of whom have insufficient food and clothing at ordinary times, and are now on the verge of starvation, so far as their own

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means are concerned. When it is considered that this is midwinter, that few have any means of going anywhere away from where they are, and none any place they can go to, it is easily seen what must result.

The negroes who have sought me for advice, especially the more intelligent ones, feel and speak very bitterly of the inhumanity and injustice shown them, and it is very evident that a deep feeling of resentment is being roused, which will easily run into a spirit of revenge. The greater the number of such cases becomes, and the longer they wander about, seeking in vain for labor and homes, the worse the matter becomes. The best that can happen will be a frightful amount of suffering, inevitably accompanied by crime, chiefly thefts, and it is gravely to be apprehended that more serious disorders will be the result. These homeless negroes will naturally drift together. The white people are not slow, as the past has shown, to set afloat inflammatory rumors of intentions of organized violence on the part of the negroes, and where the revolver and mob-law are the common resort in such cases, as they usually have been here, disorders more or less extensive are certain to result, if some preventive is not found for such a state of things. It is impossible for any appreciable number of these people to go elsewhere where they could find homes and labor, and it is needless to dilate upon the certain consequences of such a number becoming for an indefinite time practically vagrants.

The remedy, I have no doubt, is simple enough if it can be applied. In by far the larger part of these cases the acts of the whites are in violation of the express provisions of both national and State law.

The State laws on this subject are a dead letter here. Where the organized butchery of half a dozen unarmed and defenseless men is perpetrated, as in this parish, in the case of the Coushatta prisoners, and hardly a voice raised even to condemn it, and where, as in De Soto in the Alston case, a deliberately-planned and cold-blooded murder is committed and glozed over by a sham inquest as justifiable homicide, it would be too much to expect that the venial offense of harassing a few hundred negroes into starvation and crime because of their political opinions would be either prevented or punished by any local authority. As for the violation of the national law in this matter, there is, as before stated, no commissioner here who knows his duty or dares discharge it. Under these circumstances the only persons who can act are the officers of the Federal courts at New Orleans.

If a dozen of the principal actors in this matter were indicted by the grand jury, now, as I understand, in session, or if even preliminary proceedings looking to that were had, I have no doubt it would break up and stop the whole thing. I am confident that many of the planters would be only too glad of an excuse to rid themselves of the tyrannical interference of these self-constituted managers of other men's business. Some of them are driving away men whom they have had working on their places for five years, in one instance one who, slave and free, has lived with and worked for his present employer *forty years*. It cannot be that this is done otherwise than reluctantly, and indeed a number of the negroes have stated that this reluctance was freely expressed. I see no other remedy than the one suggested. People who permit their own opinions and actions to be dominated and controlled by the blatant demagogues who propose to remedy the evils of bad government by denying to their political opponents even the right to earn an honest livelihood, are not likely to be reached and influenced except by enforcement of the laws they are defying. In my view, the timely action of

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the civil authorities is imperatively needed to avert some future necessity for the military to intervene to stop another such an affair as the Grant Parish massacre.

I am, sir, very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

ADJUTANT-GENERAL, DEPARTMENT OF THE GULF,
New Orleans, La.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., January 16, 1875.

Respectfully forwarded to headquarters Military Division of the Missouri. * * * * * * *

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
New Orleans, La., January 16, 1875.

Respectfully forwarded to the Secretary of War for his information.

P. H. SHERIDAN,
Lieutenant-General United States Army.

PART II.

Reports, communications, &c., of Col. W. H. Emory, Fifth Cavalry, United States Army, commanding Department of the Gulf, relative to disorders connected with the late election in Louisiana.

[Telegram received in cipher.]

NEW ORLEANS, LA.,
September 24, 1874.

ADJUTANT-GENERAL *United States Army:*

Yesterday was asked by Governor Kellogg to meet him and consult upon making arrests and searches for arms. After mature reflection, I concluded and stated to him that, as military commander, I did not, under my orders, feel myself at liberty to advise or consult with the State authorities upon any political matter connected with administration of State affairs.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Telegram received in cipher.]

NEW ORLEANS, LA.,
September 30, 1874.

ADJUTANT-GENERAL *United States Army:*

Contending parties here have entered into an agreement about the registration and election. It may ease matters for the time, but it looks like a recognition of the legal rights of insurgent parties. Nego-

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tiations of the kind were what I referred to in my telegram of the 24th, informing you I had formally declined any conference with governor on State politics.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., October 1, 1874.

SIR: The arrangement by the leaders of contending parties, referred to in my telegrams of yesterday, will probably not be acceded to by the followers of either party; and even if it is acceded to I think that the good effect of the arrangement, if any, would only last until the election. The democrats expect to carry enough of the legislature to be masters of the situation. Should they do so, order may rule; but if they are defeated, conflict and violence will be the inevitable consequences, unless suppressed by the presence of strong military force. Therefore, I strongly recommend that no material reduction of force be made until after the election and the meeting of the legislature.

The leaders of the insurgents have, I am sure, used all their efforts to have the arms taken from the State returned, yet there are fifteen hundred (1,500) stand of improved small-arms and two (2) howitzers yet missing, and as they are in the hands of individuals whose names are not enrolled, or not even known, I see no way of coercing the holders to give up these arms except by search and seizure and imprisonment of leaders, for which I have no authority.

Admiral Mullany informs me he will leave two (2) ships here, which will be an essential aid in the preservation of peace, as it will give me command of the river, and will enable me, in case of disturbance, to transport troops to the city from the suburbs of the town, where they must necessarily be encamped.

I am, sir, very respectfully, your obedient servant,

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

To the ADJUTANT-GENERAL *of the Army,*
Washington, D. C.

[Telegram received in cipher.]

NEW ORLEANS, LA., *October* 5, 1874.

I have reliable information that bodies of armed men, from twenty to sixty in each body, meet in the street at night for the purpose of drill, and that armed bodies whose numbers are not known meet in the league room. This comes with information, not so well established, that the object is to force a collision, and cause a military government in place of the Kellogg government. The State government appears powerless to suppress the meetings.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

ADJUTANT-GENERAL UNITED STATES ARMY.

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[Dispatch received in cipher.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, October 7, 1874—4.30 p. m.

To ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.:

I am informed by the chief of police in this city, whom I consider thoroughly reliable, that he has certain information that White Leaguers repudiate compromise between State officials and democratic leaders, and that another attempt will be made to get possession of State-house and other public offices of the State, if only for a time, as soon as troops leave the city to go into camp, or can for a moment be caught off their guard. Their design seems to be to demonstrate the weakness of the State government and show their determination not to acknowledge that government or submit to it, except by force of the arms of the United States. I think the Leaguers would like to be assailed by the United States troops. They have at least six thousand well-instructed men, accustomed to arms.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 27, 1874.

General W. H. EMORY, *New Orleans, La.:*

The President would like to know your views as to stationing troops in New Orleans on day of election. The object is to confirm every individual in his legal right to vote Cannot points be selected near polls where attempts to overawe voters, likely to result in riots, may be made, and troops stationed there a day or two beforehand? It would not be desirable to have soldiers at or too near the polls, as all appearance of military interference, except to secure voters their right to vote, should be avoided. Reply to me.

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

Received in cipher at the Adjutant-General's Office, October 29, 1874.

NEW ORLEANS, *October* 28, 1874.

To ADJUTANT-GENERAL *United States Army:*

The troops are now stationed as follows: Eleven companies on river-bank about midway of the port of the traffic, and commands the levee as far as Canal street. Ten companies at barracks on eastern extremity of city, and three companies at State-house, in center of city, and one company of cavalry near headquarters, also near center of city, and the fleet laying in the stream. The whole city and river front completely commanded. The troops in taking exercise move about the city daily. The city occupies a narrow strip extending ten miles along river, is divided into fifteen wards, and usually has polls opened at more than one hundred places. The frauds charged, if true, are already consummated in the registrations, and every man having certificate of registration is entitled to vote. To change position of troops now, and place them near the polls, would be inconvenient, owing to the number of polls, if not impracticable, owing to the difficulty of getting accommodations, either of house

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or grounds, to encamp troops, and would, I think, be less effective, and open to the same objection as placing the troops directly at the polls on election-day. If thought best, in addition to the troops already in the city, those from the barracks could be brought in, and companies stationed at five of the most eligible police-stations. All the commands will then be in position to act under the acts approved February 28 and April 20, 1871; and this, in my view, is all the change necessary, if any. As far as my information goes, the leading men of the city and the leading newspapers are using all their best exertions to insure a peaceable and quiet election.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Telegram.]

Received in cipher at the Adjutant-General's Office, October 31, 1874.

NEW ORLEANS, LA., *October* 31, 1874.

To ADJUTANT-GENARAL *United States Army:*

Governor Kellogg has this moment requested that two officers and twenty men be sent to Lafourche Crossing, fifty miles distant by railroad, to prevent apprehended violence and bloodshed at polls on Monday; unless detachment start before seven to-morrow, it cannot reach there in time. Shall it be sent? Please answer.

W. H. EMORY,
Colonel and Brevet Major-General.

[Telegram.]

Received in cipher at the Adjutant-General's Office, October 31, 1874.

NEW ORLEANS, LA., *October* 31, 1874.

To ADJUTANT-GENERAL *United States Army:*

I do not think there will be a conflict, except it be for the custody of the ballot-boxes, or about the count of votes. But as a precaution, unless otherwise directed, will, as suggested in my telegram of the 28th, bring remaining troops from Jackson Barracks to city to keep the peace and prevent possible conflict between armed bodies.

W. H. EMORY,
Colonel and Brevet Major-General.

[Copy telegram.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 31, 1874.

General W. H. EMORY, *Commanding Department Gulf,*
New Orleans, La.:

Two cipher dispatches received; Secretary says no objections to arrangement of troops at barracks; better comply with request of governor in other dispatches unless it will weaken you too much.

E. D. TOWNSEND,
Adjutant-General.

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[Telegram received at the Adjutant-General's Office, November 4, 1874, 3 p. m.]

HEADQUARTERS, DEPARTMENT OF THE GULF,
New Orleans, November 4, 1874.

To ADJUTANT-GENERAL *United States Army,*
Washington, D. C.:

I request that my letter to you of the first of October be considered in connection with my dispatch to you of last night. The situation foreshadowed in that letter still exists, and the views expressed in regard to the reduction of force are still entertained.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

NOTE.—The dispatch of November 3, 1874, herein cited, referred to the hire of quarters in New Orleans.

[Telegram sent in cipher.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 16, 1874.

General W. H. EMORY, U. S. A.,
Commanding Department Gulf, New Orleans, La.:

If troops in New Orleans still occupy the State-house, it is desired by the President that they be transferred to the quarters they are to occupy for the winter. Are there any in State-house?

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

Received in cipher at the Adjutant-General's Office, November 18, 1874, from New Orleans, La.

DATED NOVEMBER 17, 1874.

To ADJUTANT-GENERAL *United States Army:*

The troops moved as directed. It will slightly increase estimated expense for quarters; while in State-house strict orders were observed not to interfere with free ingress or egress of citizens, or with State affairs.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Telgram.]

Received at the Adjutant-General's Office, December 8, 1874, 2.20, from headquarters Department Gulf.

DATED NEW ORLEANS, LA., *December* 8, 1874.

To ADJUTANT-GENERAL U. S. A.,
Washington, D. C.:

A telegram from Captain Head, commandining company stationed at Monroe, La., represents a very disturbed condition of things there,

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and says he has been called upon by the mayor to suppress an anticipated riot, and asks for orders. I have instructed him if emergency is great to interpose the United States forces only to prevent conflict between armed bodies, or on requisition of United States marshal, based on process of United States courts.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Cipher telegram.]

NEW ORLEANS, LA., *December* 15, 1874. (Received Dec. 16.)

To ADJUTANT-GENERAL *United States Army:*

The returning-board and people representing opposing party differ on vital questions. Each avers against the other crime of such enormity that, in the present excited state of the public mind, violence is imminent. On the occasion of the fourteenth of September I was informed, in a dispatch dated fifteenth September, that the President directed you to say previous orders are not to be observed; in consequence of which, my order to Colonel Brooke to recognize Governor Kellogg was revoked, and an interregnum intervened. To avoid future misunderstanding in the impending disturbance, which may happen at any moment, or may not occur until after the meeting of the legislature in January, I ask to be informed if the instructions contained in your dispatch of September eighteenth are to be considered in force, or if I am to await the result of another application from Governor Kellogg to the President.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Cipher telegram.]

Received December 16, 1874, from New Orleans, La.

DATED DECEMBER 15, 1874.

To ADJUTANT-GENERAL *of the Army:*

I should have added to telegram of this same date that the troops have been kept in readiness to move since Saturday.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 16, 1874.

Col. W. H. EMORY,
Commanding Department Gulf, New Orleans, La.:

The President directs that you make arrangements to be in readiness to suppress violence, and have it understood that you will do it.

Please acknowledge receipt.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

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[Telegram.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 16, 1874.

To the ADJUTANT-GENERAL *United States Army,*
Washington, D. C.:

Telegram received. It is already understood in this community that I will act as directed in the dispatch.

W. H. EMORY,
Colonel and Brevet Major General, Commanding.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 16, 1874.

ADJUTANT-GENERAL *United States Army,*
Washington, D. C.:

Since my dispatch of yesterday, information comes which I think justifies conclusion that personal violence and armed conflict will not be used by contending parties to settle the pending political troubles in this city.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Confidential.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 13, 1874.

SIR: The department commander directs that you hold your command, including the company of artillery, with its guns, in constant readiness to move to this city.

On the receipt of orders from these headquarters, or on hearing at any hour of day or night three guns fired in quick succession from the ships of war in the harbor, you will march your command, by the shortest and most expeditious route, to the custom-house in this city, and report in person to these headquarters for orders.

Acknowledge receipt.

I am, sir, very respectfully, your obedient servant,

E. R. PLATT,
Assistant Adjutant-General.

COMMANDING OFFICER *United States Troops,*
Jackson Barracks, Louisiana.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 19, 1874.

Official copy respectfully furnished the Adjutant-General of the Army, through headquarters Division of the South. The substance of this confidential letter appeared in the New Orleans Picayune within a few days from its date. It will explain my telegram of the 16th instant.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding

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HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 23, 1874.

Respectfully forwarded to the assistant adjutant-general, headquarters of the Army.

JOHN H. COSTER,
Captain 8th Cav., A. D. C., Acting Asst. Adjt. Gen., in Absence of the Division Commander.

HEADQUARTERS OF THE ARMY,
Saint Louis, December 28, 1874.

Respectfully forwarded to the Adjutant-General.
By command of General Sherman:

WM. D. WHIPPLE,
Assistant Adjutant-General.

PART III.

Reports of Lieut. Col. H. A. Morrow, Thirteenth Infantry, United States Army, of the result of his inspections in certain parts of Louisiana, under orders from the department commander.

NEW ORLEANS, LA., *December* 3, 1874.

SIR: I have already reported verbally, and now by order report in writing, that I am of the opinion there was no necessity of the use of troops to aid the United States marshal in the service of the processes of the courts in the parishes of Lincoln, Ouachita, and Jackson, Louisiana. This opinion is based on the statements of respectable gentlemen of both the great political parties. A marshal discharging his duties in a gentlemanly manner does not, in my judgment, require the aid of the military.

I am, sir, your obedient servant,

HENRY A. MORROW,
Lieutenant-Colonel Thirteenth Infantry.

ASSISTANT ADJUTANT-GENERAL,
Department of the Gulf, New Orleans.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 5, 1874.

Respectfully forwarded to headquarters Division of the South, for the information of the division commander.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 11, 1874.

Respectfully forwarded to the assistant adjutant-general, headquarters of the Army.

IRVIN McDOWELL,
Major-General, Commanding.

HEADQUARTERS OF THE ARMY,
Saint Louis, Mo., December 14, 1874.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN, *General.*

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SHREVEPORT, LA., *December* 11, 1874.

SIR: I cannot, for want of time, submit anything more at this moment than a skeleton report of my investigation here. It may be slow work getting down the river, and I say briefly, for the information of the department commander, that there is no need of more troops in this vicinity, and in this view of the situation Major Merrill entirely concurs.

An arrangement has been made between the United States civil authorities here and certain prominent citizens, under which it is more than probable that there will be no further calls for troops to act as a posse to marshals. If this shall follow from the arrangement referred to, the Army will be relieved from a most unpleasant and onerous duty, and a great cause of local irritation will be removed.

As to the general condition of affairs here, I mean in the parishes of Caddo and De Soto, I reserve my opinion until I have had fuller opportunity for forming one; but this much I may say, it is not such as to give any ground of apprehension on the part of the commanding general of serious disturbance of any kind—at least for the present. It is not to be disguised, however, that local disturbances of a very serious character may take place in the event of the returning-board, now in session in New Orleans, ruling out the votes of parishes for mere technical reasons. Nearly all influential and respectable citizens concur fully and entirely in the view that violence to any extent will be justifiable, and should be resorted to, to secure to the people a change of local administrators, to which they claim they are entitled as the result of the late election. I will not presume to anticipate even to what extent resistance will be carried in the event I have named, but I am certain that the universal sentiment here is that resistance and violence will be entirely justifiable.

I inclose a copy of resolutions passed at a public meeting in this city last night.

I am, sir, your obedient servant,

HENRY A. MORROW,
Lieutenant-Colonel Thirteenth Infantry.

ASSISTANT ADJUTANT-GENERAL,
Department of the Gulf, New Orleans, La.

P. S.—I might state the condition of this section even stronger than I have done, and the facts would authorize it. Please preserve a copy of this report, as I have not had time to copy it. In all I have said it is important to understand that, so far as relates to the United States, *there is not the slightest disposition to oppose the General Government*, but the opposition to the State government is determined and expressed, and will manifest itself in open violence whenever and wherever it asserts itself.

HENRY A. MORROW,
Lieutenant-Colonel.

[From the Shreveport, Louisiana, Times, December 11, 1874.]

MASS-MEETING OF THE CITIZENS OF CADDO.

Pursuant to a call made for a meeting of the citizens of this parish, to take into consideration the present critical political situation, a large number of prominent and influential citizens met last evening at the board of trade rooms.

The meeting was organized by the nomination of J. M. Foster, esq., as president, and Capt. T. H. Pitts, secretary.

On motion A. H. Leonard, esq., was requested to explain the object of the meeting, which he did in his usual clear and forcible manner. Addresses were made by A. D. Land, esq., member-elect to the legislature, D. M. Calliham, esq., Judge W. B. Egan, and S. M. Morrison.

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The following preamble and resolutions were then introduced, and read by Mr. Calliham, and unanimously and enthusiastically adopted:

"We have witnessed with indignation and alarm the fixed purpose on the part of an unscrupulous and partisan returning board, through the machinery of an infamous statute, to deprive the people of the fruits of a glorious victory won at the ballot-box on the 2d of November last. We know the result of that election, as the ballots were counted at every polling-place, and we do not intend that it shall be reversed by a clique of conspirators and scoundrels.

"The right of suffrage and the privilege of choosing our public servants are guaranteed by the Constitution, and we cannot be deprived of their exercise, either by the fraudulent combination of individuals, or the failure of officials, through willfulness or ignorance, to perform their prescribed duties: Therefore,

"*Be it resolved*, That we, the white people of the parish of Caddo, in mass-meeting assembled, declare that we intend to be bound alone by the verdict of the people expressed at the ballot-box on the 2d day of November, 1874, as announced by the commissioners of election who counted the votes in the presence of the public and at the polls; that we proclaim it to be our fixed purpose to install into their respective offices, on the 1st day of January, 1875, all the officers elected in this parish, whether they are so returned by the returning board or not. And we call upon other parishes, and particularly those of North Louisiana, to take similar action, pledging them our co-operation and assistance.

"*Resolved*, That we believe it to be the duty of the members of the legislature who were elected by the democratic and conservative parties to assemble at the State capital in the city of New Orleans on the 1st Monday of January, 1875, in conformity with the requirements of the constitution, and organize the general assembly; that Caddo Parish pledges herself to furnish her quota of men and money for the establishment and support of the legal government of the State; that we are law-abiding people, but we know our rights, and as American freemen intend to maintain them, even at the peril of our lives and fortunes."

A resolution introduced by Captain S. M. Morrison, indorsing the course pursued by the Shreveport Times, both during the canvass and since the election, was unanimously adopted.

There being no further business, the meeting then adjourned.

J. M. FOSTER, *President*.

T. H. PITTS, *Secretary*.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 16, 1874.

Respectfully forwarded, inviting attention to the condition of things in the parishes of Caddo and De Soto reported within.

In this connection, I beg to refer to my cipher-dispatch of yesterday, and beg that the question therein asked may be answered. In the absence of information, I proceed on the assumption that the instructions in the dispatch from the Adjutant-General of September 18 are to continue to govern me in the event of another outbreak here or in the country, and, in following out these instructions, grave results may follow, which it may not be the intention of the General Government should occur.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 19, 1874.

Respectfully forwarded.

IRVIN McDOWELL,
Major-General, Commanding Division.

HEADQUARTERS OF THE ARMY,
Saint Louis, December 21, 1874.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN,
General.

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[Special Orders, No. 197.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., December 2, 1874.

Lieut. Col. Henry A. Morrow, Thirteenth Infantry, will proceed, via Memphis and Little Rock, to Shreveport, La., and such other points on the Upper Red River as he may find necessary in discharge of the duty to which he has been assigned by the department commander.

After completing this duty, Lieutenant Colonel Morrow will return to this city.

By command of Col. W. H. Emory:

E. R. PLATT,
Assistant Adjutant-General.

NEW ORLEANS, LA., *December* 24, 1874.

SIR: In obedience to your order of the 2d instant, and under the special instructions contained in your communication of the 28th of November, I proceeded to Shreveport, La., and thence to different points on the Red River, as far down as Alexandria, and made, as far as in my power, a thorough investigation of the condition of things there, having reference particularly to the necessity of sending more United States troops to that district; "also as to the necessity of employing so large a number of troops as has been done as *posse comitatus* to the United States marshal in serving writs for the execution of civil process, and the part taken by those troops in the execution of that duty." I was further ordered "to report the action of each and every officer as to the part they may have taken in aiding the civil authorities in keeping the peace and in enforcing the laws."

I have now the honor to submit the following report:

In relation to the necessity of sending more troops into that section of the State, I respectfully report that there is no need for more troops in any portion of the State of Louisiana visited by me. The scenes of violence and the reported infringements of law which were the immediate cause of troops being ordered into certain parishes seem to have aroused in the minds of law-abiding citizens a keener sense of their obligations to preserve law and order in their respective communities, and I am happy to be able to report that a healthier state of public sentiment is manifest in every section of the country; and I am of the opinion that the troops can be withdrawn from Alexandria, Colfax, and Nachitoches, and that there is no necessity for increasing the forces at any other point. I mean to be understood as saying that troops will not be required at these points to compel obedience to any law of the United States. Troops will be required, however, in nearly every section of the State to sustain the State authorities if Congress, by appropriate legislation, does not give some relief. The only necessity for the presence of troops at any point, so far as relates to offenses against laws of Congress, will arise from the duty of giving aid to the deputy United States marshals in cases where they may be resisted in the discharge of their legitimate duties of serving warrants for the arrest of offenders for violations of the law of Congress known as the "enforcement act;" and I am decidedly of the opinion that, with proper management, even in this class of cases few instances will arise in future in which a military posse will be required. I am perfectly aware of the fact that the Federal troops have not been ordered into parishes except on the requisition of the civil authorities, and that if the use of troops has been abused, the censure for this cannot be laid at the door of the department commander; but inasmuch as it is openly charged by citizens, and is firmly believed, that United States troops

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have been used for political purposes, I recommend that stringent orders be issued to officers to whom applications for posses may be made that they are not to furnish the same except in cases where the marshal, unaided, has tried to serve his process and failed, and has made application to the citizens for proper assistance and has been refused. This I believe to be good policy as well as sound law, and, if strictly adhered to, I am confident fewer demands on the military for this duty will be made in the future than in the past, and that the Army will thereby be relieved from the performance of duties as obnoxious to the people of the country at large as they are disagreeable to the officers and men who have to discharge them. The officer in command of a military posse should be made to understand that he, and not the marshal, is the judge of the amount of assistance necessary to enable him to perform his duty, and that in no event is he to assume the authority to take any steps in making arrests on his own responsibility. The orders of the department commander of August 14, 1874, are full and explicit, and if officers will adhere to their instructions no complaint can justly be made against the Army in this department for any part it may be required to take in aiding the civil authorities in the service of legal process. In relation to the conduct of officers when aiding the civil authorities in preserving the public peace and assisting in the service of the writs of the courts of the United States, I find pleasure in being able to say that, as a rule, their conduct has been most exemplary, and that they have discharged their difficult duties with great judgment and delicacy. Their gentlemanly bearing, as well as their knowledge and tact, deserves more than ordinary commendation. Not a single well-authenticated case was brought to my knowledge in which an officer or soldier has been guilty of the slightest indiscretion. The conduct of the enlisted men deserves fully as much commendation as that of the officers, for there was not the slightest complaint made against them in any quarter.

Many citizens of Shreveport complained bitterly to me of the conduct of Major Lewis Merrill, Seventh Cavalry, in making the affidavits upon which arrests of prominent citizens have been made for alleged violation of the law of Congress known as the enforcement act. Public feeling and opinion among the white population of all the parishes on Red River condemned Major Merrill's act, and the opinion was openly expressed that this officer, so far as his act could do it, has made the Army an active participant in a heated political controversy. It is due alike to Major Merrill and a clear understanding of the case that his reasons for departing from a well-known custom of Army officers, not to take part in political contests, should be given, and I therefore give a summary of them as follows: He found on his arrival at Shreveport no civil law in force, and no civil officer in the discharge of his duties, and the community was excited to a state of almost insane rage on the political questions which were dividing it, and everything looked as if the election would be attended by violence and bloodshed. The conservative and law-abiding sentiment of the community was absolutely overpowered and silenced by the hot-headed and incendiary appeals and conduct of the White League leaders, and the affidavits were made by the major himself to rouse a sentiment of resistance to violence in the community, and for the further reason that it would not have been safe for a citizen of the place to have taken the step. I have given as near as possible Major Merrill's reasons in his own language, and I add that he emphatically claimed that his act was that of Lewis Merrill, a citizen, and not of Maj. Lewis Merrill, an officer of the Army, of the United States. Whether a military officer in an

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important command can separate his private from his official character, and, without subjecting himself to censure, take original action in his own person, whereby he becomes identified with political partisans, and whereby also the whole Army is brought into disparagement in the minds of many well-disposed people of the country at large, and whereby, also, the reputation of the service for fair and impartial conduct in the delicate and responsible duties it is required to perform in conjunction with the civil authorities in this and other Southern States is impaired, I leave, without any expression of opinion on my own part, to the decision of higher authority.

I now come to the general condition of affairs in the parishes on Red River, and, without the slightest exaggeration, I may say it is bad. Respect and regard for the General Government are expressed by all classes of people, and so is the determination not to be, under any circumstances, brought into collision with the Federal troops; but there is a universal expression of contempt for the State government, and, so far as language could express it, there is open defiance of its authority. The governor is everywhere, and by almost every white man, denounced a "usurper," and the determination is openly expressed by nearly every white man not to submit to his usurpation longer than submission is compelled by the presence and force of Federal soldiers.

Dissatisfaction and discontent are plainly visible in all the acts and conversation of the people, and the result is manifest in almost every department of business. Uncultivated fields, unrepaired fences, roofless and dilapidated dwellings, and abandoned houses meet the eye at every step, and the whole aspect of the country has a look of poverty and neglect. The schools in many parishes are closed for want of money to pay the teachers, and I was told again and again that the school-funds had been stolen by the State officials. In one parish a criminal court had not been held in nearly two years, and in other parishes no court, criminal or civil, had been held for a long time. In a community where there are no courts crime finds a genial soil, and the natural result is that the law has fallen into disregard and disrepute. Judges were openly charged with corruption, and money, and not justice, is charged with turning the judicial scales.

The people reported, and seem to believe, that the machinery of the Federal courts had been used to oppress them for political ends, and that the Federal troops had been used for political purposes. How far this has been the case I have no means of knowing, but I do believe that deputy United States marshals have used United States soldiers in cases where there was no necessity for them, and, from my investigations, in the parishes of Ouachita and Lincoln, I am quite certain that these civil officers discharged their duties in an unnecessarily harsh, if not cruel, manner. It was represented to me that the marshals are in the habit of prowling through the country in the night-time, accompanied by a posse of soldiers, to make arrests of citizens who could be arrested by the marshal unaided, and, under any circumstances, should be arrested in the open daylight.

These night arrests seemed to have a peculiar terror for the people, and my attention was repeatedly called to them. Another subject of complaint was the fact that citizens are arrested without the shadow of a cause, and after long and vexatious delay and great expense, are set at liberty without affording them even a preliminary hearing. And another subject of bitter complaint, especially in Coushatta, is the fact that there is not a United States commissioner in the parish, and persons arrested are required to be sent to the city of New Orleans, several

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hundred miles distant, for even an examination. The expense of getting witnesses to so distant a point will make even justice a luxury that only the rich can procure. A man of moderate means could not hope to prove his innocence if the presence of many witnesses was required for the purpose. The people at Coushatta complained also, and I think justly, that a person had been sent there last fall as commissioner, who was a brother to one and brother-in-law to another of the unfortunate men who were so brutally and dastardly murdered in August last. However brutal may have been the circumstance attending the massacre of these men, it will be at once conceded by every man at all familiar with rules in American and English courts, that a near relative of the persons murdered is not a proper person to sit as judge in even a preliminary hearing. These were complaints made to me against United States officials, and I therefore report them for the information of the department commander. The complaints against the State officers were so numerous that a mere enumeration of them would fill a volume. Corruption and jobbing in office; partiality and favoritism in the administration of justice; exorbitant taxes, rising, in some instances, to seven and eight per cent. on the appraised value of the property; a ruined credit; a depleted State and parish treasury; enormous debts, State and parish; and multiplication of officers in the persons of favored individuals, are a few of the charges made by the people against their State authorities.

The political condition of the State is the one subject of conversation everywhere, in public and private, and among all classes, except the negro, who feels no interest in it, because he does not comprehend it. The dissatisfaction is wide-spread and deep, and I am firmly convinced that sooner or later there will be an outbreak of public feeling which will be attended by scenes of fearful violence. The determination to escape from the rule of the present State government is fixed in every mind, and, whenever the opportunity presents itself, a blow will be struck for the "liberation of Louisiana," to use the expression in common use. A combination or organization among the white men ramifies every parish and neighborhood, and there is perfect unanimity of sentiment, and will be concert of action whenever the time comes to take a decisive stand. Without going into needless details, I give the following as my deep-seated convictions: The present State government cannot maintain itself in power a single hour without the protection of Federal troops. I do not believe that the present State authorities, even with the protection of Federal troops, will be able to collect taxes and perform the functions of government after an early day in the new year. Opposition to them will be made at every turn, and every step they attempt to take will be beset with obstructions. Outside of New Orleans, there is no party or organization in the State with sufficient strength or influence to afford the slightest aid. The State government has not the confidence or respect of any portion of the community. I do not believe the legislature, as organized under the recent action of the returning board, will be allowed to assemble, except under the protection of United States soldiers. Whether the reported action of the board is correct or not I am unable to say. If it is not, these remarks will have no force, as the contingency upon which they are based will not arise. I do not, mean by this that the soldiers must necessarily be in force in the State-house, but the presence on the ground of a representative of the military power, with authority to declare, in the name of the General Government, that the legislature will be under Federal protection, will be necessary to pre-

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vent, in my judgment, a terrible scene of disorder, and, perhaps, bloodshed. I not only do not believe, but I am absolutely certain, that there will not be, at any time, in Louisiana any organized or authorized resistance to the General Government. If the expressions of the people are to be believed, and I do believe them, there is a very sincere desire to live quietly under the protection of the Constitution of the United States and enjoy the blessings of the National Government. But there is no disguising the fact the protection afforded by the Federal administration to the government of the present State executive is the cause of bitter personal and political feeling in the breasts of nineteen-twentieths of the white inhabitants of the State.

I shall not be astonished if two legislatures are organized in New Orleans on the 4th day of January next.

I have refrained from expressing opinions of my own on the causes which have brought the State of Louisiana to a condition of rebellion against its State government; but I do give it as my deliberate opinion that there will be open and organized forcible opposition to each and every act of the State government in a short time, unless Congress by appropriate legislation shall provide a means for the satisfactory settlement of affairs in this section of the Union. If Congress fails to legislate, a standing military force in almost every parish will be necessary to give protection to persons of the agents of the State executive, but a military force cannot compel people to pay taxes and do a thousand things necessary to good government, and I think, therefore, there is danger of the State organization coming to a *standstill* for want of necessary agents and machinery to keep it in motion. On every account, in my opinion, it is important that Congress should do something, and if there is any way by which the military department can bring the subject to the attention of that body it should be done.

I am, sir, very respectfully, your obedient servant,

HENRY A. MORROW,
Lieutenant-Colonel, Thirteenth Infantry.

ASSISTANT ADJUTANT-GENERAL,
Department of the Gulf, New Orleans, La.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 27, 1874.
(Through Headquarters Division of the South.)

The report of Lieutenant-Colonel Morrow is respectfully forwarded.

This officer, who has heretofore been intrusted by the Government with important and delicate commands, was, by reason of his experience and the high confidence reposed in him, sent to make an inspection of the state of affairs in Northwestern Louisiana, as reported in a letter to Adjutant-General, dated November 28, inclosing a copy of my instructions to him. I think it my duty to place the Government in possession of the facts stated and the views expressed by this officer.

I am satisfied that the condition of things in the portion of the State he has visited is very bad, and that the same may be said of a large portion of the whole State.

For nearly two years the condition of affairs has been very precarious, and the State government has constantly shown itself unable to cope with the difficulties of the situation in which it is placed.

This state of things is daily growing worse, and I commend the subject to serious consideration.

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The mission of the Army to keep peace without the power of removing the causes which disturb it has, I think, been carried as far as practicable, and I therefore respectfully recommend that, if it can be done the powers of the military commander be greatly increased, or that some other measure be resorted to to obtain the desired end.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

[Second indorsement.]

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., December 29, 1874.

Respectfully forwarded to the Adjutant-General of the Army.

JOHN H. COSTER,
Captain Eighth Cavalry, A. D. C.,
A. A. A. G., in absence of Division Commander.

[Third indorsement.]

HEADQUARTERS DIVISION OF THE SOUTH,
Louisville, Ky., January 2, 1875.

Official copy respectfully furnished the assistant adjutant-general, headquarters of the Army.

C. McKEEVER,
Assistant Adjutant-General, in absence of Division Commander.

[Fourth indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, Mo., January 4, 1875.

This paper is most respectfully forwarded to the Secretary of War with a request that he submit it for the personal perusal of the President. I know of no officer of Colonel Morrow's rank who is better qualified to speak and write of matters like this, and his opinions are entitled to great consideration. I profess to have some knowledge of the people of that section both white and black, from a long residence among them before the war and several visits since, but I shall not intrude my opinion in the confusion in which the subject is now enveloped.

W. T. SHERMAN,
General.

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LETTER

FROM

THE SECRETARY OF THE INTERIOR,

COMMUNICATING,

In answer to a Senate resolution of January 15, 1875, a copy of the report of the Commissioner of the General Land-Office concerning swamp-lands in township 12 south, ranges 11 and 12 east, southeastern district of Louisiana.

JANUARY 26, 1875.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 25, 1875.

SIR: In answer to Senate resolution of the 15th instant, I have the honor to transmit herewith copy of the report of the Commissioner of the General Land-Office, and accompanying papers, concerning swamp-lands in township 12 south, ranges 11 and 12 east, southeastern district of Louisiana, east of the Mississippi River.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. HENRY WILSON,
Vice-President and President of the Senate.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND-OFFICE,
Washington, D. C., January 22, 1875.

SIR: In reply to Senate resolution of 15th instant, "that the Secretary of the Interior is directed to transmit to the Senate a statement of all lands listed to the State of Louisiana under the swamp-land act of Congress of March 2, 1849, in township 12 south, ranges 11 and 12 east, southeastern district of Louisiana, east of the Mississippi River; and that he accompany that statement with the documentary and other evidence upon which such lands have been declared swamp and overflowed under the act aforesaid," by you referred to this Office for report thereon, I have the honor to submit the following statement of lands in the township referred to, which the records of this Office show to have been approved to the State of Louisiana under the act of March 2, 1849, at the dates given, together with copies of the evidence upon which the approvals were based.

Lot 1 of section 8, 12 south, 11 east, 26.55 acres, approved May 5, 1874.

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Lot 6 of section 8, 12 south, 11 east, 27.30 acres, approved May 5, 1874.

Lot 7 of section 8, 12 south, 11 east, 21.59 acres, approved May 5, 1874.

All of section 15, 12 south, 11 east, 63.74 acres, approved April 10, 1874.

Lot 1 of section 17, 12 south, 11 east, 26.20 acres, approved May 5, 1874.

Lot 6 of section 17, 12 south, 11 east, 32.00 acres, approved May 5, 1874.

Lot 7 of section 17, 12 south, 11 east, 38.74 acres, approved May 5, 1874.

Lot 12 of section 17, 12 south, 11 east, 40.00 acres, approved May 5, 1874.

Lot 1 of section 20, 12 south, 11 east, 14.18 acres, approved May 5, 1874.

Lot 8 of section 20, 12 south, 11 east, 9.69 acres, approved May 5, 1874.

All of section 21, 12 south, 11 east, 97.49 acres, approved April 10, 1874.

All of section 22, 12 south, 11 east, 38.08 acres, approved April 10, 1874.

All of section 24, 12 south, 11 east, 136.12 acres, approved April 10, 1874.

All of section 25, 12 south, 11 east, 4.22 acres, approved April 10, 1874.

All of section 28, 12 south, 11 east, 5.96 acres, approved April 10, 1874.

Lot 6 of section 29, 12 south, 11 east, 35.56 acres, approved May 5, 1874.

Lot 7 of section 29, 12 south, 11 east, 40.00 acres, approved May 5, 1874.

Lot 8 of section 29, 12 south, 11 east, 40.00 acres, approved May 5, 1874.

Lot 9 of section 29, 12 south, 11 east, 40.00 acres, approved May 5, 1874.

Lot 10 of section 29, 12 south, 11 east, 41.84 acres, approved May 5, 1874.

Lot 11 of section 29, 12 south, 11 east, 4.32 acres, approved May 5, 1874.

All of section 30, 12 south, 11 east, 221.20 acres, approved April 10, 1874.

All of section 31, 12 south, 11 east, 88.24 acres, approved April 10, 1874.

All of section 32, 12 south, 11 east, 455.92 acres, approved April 10, 1874.

All of section 33, 12 south, 11 east, 43.40 acres, approved April 10, 1874.

Lots Nos. 2 and 3 of northwest quarter of northeast quarter and northeast quarter of northwest quarter of section 4, 12 south, 12 east, 73.63 acres, approved May 6, 1852.

Lots 1, 2, 7, 8, 9, and 10 of section 7, 12 south, 12 east, 249.02 acres, approved May 6, 1852.

Lot 4 of section 12, 12 south, 12 east, 14.46 acres, approved May 6, 1852.

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All of section 15, 12 south, 12 east, 150.72 acres, approved May 6, 1852.

West half of section 23, 12 south, 12 east, 320.00 acres, approved May 6, 1852.

Lot 6 of section 35, 12 south, 12 east, 46.52 acres, approved May 6, 1852.

All of section 36, 12 south, 12 east, 46.80 acres, approved May 6, 1852.

The papers transmitted herewith are copies of the lists of swamp-lands transmitted to this office by the United States surveyor-general for Louisiana, so far as they relate to the lands described, and an extract from the field-notes of survey of township 12 south, range 11 east, relating to the tracts in said township above described.

The field-notes of survey of township 12 south, range 12 east, are not on file in this office.

The Senate resolution is herewith returned.

Very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

SOUTHEASTERN DISTRICT, LOUISIANA, EAST OF MISSISSIPPI.

List of swamp or overflowed land selected from the approved field-notes of V. Sulakowski, deputy surveyor, for surveys made in southeastern district of Louisiana east of the river, under contract of W. R. Ross and V. Sulakowski, deputy surveyors, accruing to the State of Louisiana under the provisions of an act of Congress approved March 2, 1849, excepting such portions thereof as are rightfully claimed or owned by individuals.

Township 12 south, range 11 east.

Part of section.	Section.	Area.
The whole of	8	281.70
The whole of	15	63.74
The whole of	16	258.42
The whole of	17	479.65
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of	20	270.19
The whole of	21	97.49
The whole of	22	38.08
The whole of	24	136.12
The whole of	25	4.22
The whole of	28	5.96
Lots 6, 7, 8, 9, 10, and 11 of	29	208.98
The whole of	30	221.20
The whole of	31	88.24
The whole of	32	455.92
The whole of	33	43.40
Total		2,653.31

OFFICE OF SURVEYOR-GENERAL, DISTRICT OF LOUISIANA,
New Orleans, June 22, 1872.

Examined and approved.

E. W. FOSTER,
Surveyor-General, Louisiana.

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*List of swamp and overflowed lands, unfit for cultivation, selected as inuring to the State of Louisiana under act of Congress approved March 2, 1849, in the southeastern district, east of the Mississippi River, excepting such as are rightfully claimed or owned by individuals, in * * * township 12 south, range 12 east.*

Section.	Area.	Section.	Area.
1	640.00	19	207.30
2	640.00	20	179.02
3	640.00	21	531.60
4	611.23	22	408.38
5	363.85	23	640.00
7	428.11	24	406.10
8	386.27	25	425.73
9	293.60	26	534.36
10	201.42	27	173.35
11	67.24	28	138.15
12	120.44	29	63.36
13	87.43	30	35.25
14	316.14	34	23.45
15	150.72	35	337.40
16	52.16	36	46.80

* * * * * * *

I certify that the foregoing is a true and correct list of swamp and overflowed lands, unfit for cultivation, in the several townships therein enumerated, in the southeastern district of Louisiana, east of the Mississippi River, selected by me from the field-notes on file in surveyor-general's office, as inuring to said State under act of Congress approved March 2, 1849, excepting such as are rightfully claimed or owned by individuals.

WM. I. McCULLOH,
Deputy Surveyor, and Agent of Louisiana.

SURVEYOR-GENERAL'S OFFICE,
Donaldsonville, September 25, 1850.

Examined and approved.

R. W. BOYD,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
Donaldsonville, December 7, 1850.

I certify the foregoing copy to be a true one of the original on file in this office.

R. W. BOYD,
Surveyor-General of Louisiana.

Extract from the field-notes of survey of township 12 south, range 11 east, southeastern district, Louisiana.

		WEST BOUNDARY.
North.		On fourth mile:
	16.00	Entered woods and swamp.
		On fifth mile:
	15.00	Crossed timbered swamp-land.
		EAST BOUNDARY.
		On second mile:
North.	20.32	Crossed Claiborne street, entered cleared boggy swamp.
	38.18	Entered undergrowth in swamp.
North.		On fifth mile:
	50.18	Entered sea-marsh.
		On sixth mile:
	22.18	Through sea-marsh.

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Extract from the field-notes of survey, &c.—Continued.

		Section 149.
		Down the left bank of Mississippi River in front of section 149.
	84.20	Swamp and undergrowth.
		Section 150.
		Started from southeast corner of Bernard Marigny's O. B. 232; thence traverse down left bank of the Mississippi River in front of section 150.
N. 15 E.	78.00	To swamp and undergrowth.
	116.36	To northeast corner in swamp and undergrowth.
S. 89 W.	13.58	Set post in swamp.
		Section 151.
		Started from front corner between sections 150 and 151.
	77.50	To swamp.
		Section 152.
		From southeast corner of section 151, thence down left bank of Mississippi River.
	78.00	Crossed pasture, entered swamp.
	116.36	To northeast corner of section 152; set post in swamp.
		Started from southeast corner of section 152; thence traverse down in section front of section 153.
	80.15	Entered deep swamp.
	116.36	Set post, 4 by 4, in boggy swamp.
		Section 154.
		Started from southeast corner of section 154; thence traverse down Mississippi River in front of section 154.
	80.00	Entered low swamp.
		Section 155.
		Traverse down left bank of Mississippi River in front of section 155.
	80.00	Entered low boggy swamp.
		Traverse down left bank of Mississippi River in front of section 156, township 12, range 11, and section 61, township 12, range 12 east.
	80.00	To swamp and undergrowth.
		Section 158.
		Started from northwest corner of Kernion's B. and B. 233, thence traverse down Chantilly road.
N. 55 E.	23.00	
N. 56 E.	26.00	
N. 55 E.	21.00	
N. 38 E.	15.98	
S. 39 E.	26.50	Enter swamp.
		Section 157.
		Started from northeast front corner of section 158, thence traverse down right bank in front of Hopkins's lot No. 2.
N. 38¼ E.	13.02	
N. 46¼ E.	16.00	
N. 59¼ E.	7.00	
N. 75¾ E.	10.00	
East.	20.00	
N. 88¼ E.	11.33	
S. 2¼ E.	15.00	Entered swamp.

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Extract from the field-notes of survey, &c.—Continued.

		Lot No. 1 of same section.
		Started from northeast front corner of lot 2, section 157.
N. 2½ W.	3.67	
S. 75 W.	1.26	
S. 85 W.	8.00	
N. 82 W.	11.00	
N. 84 W.	12.00	
S. 88¾ W.	9.00	
S. 77 W.	4.00	
N. 89 W.	10.00	
S. 77 W.	9.00	
S. 76 W.	5.00	
S. 64½ W.	6.55	
N. 30 W.	15.00	Crossed uncultivated land, entered swamp.
	58.18	
N. 82½ E.	101.94	Through swamp.
S. 2½ E.	43.00	Crossed swamp.
		Started from lower front corner, right bank of Bayou Chantilly, section 157; thence down right bank.
N. 84½ E.	10.65	
N. 85¾ E.	5.00	
N. 63¾ E.	31.00	
N. 79¼ E.	26.00	
N. 84½ E.	20.00	
N. 81¾ E.	7.00	
S. 2½ E.	3.00	
	4.30	Entered swamp.
		Went back to the temporary stake mentioned on the third course above; set a permanent post as lower front corner of O. B. 321.
N. 2½ W.	3.25	
	13.25	Entered swamp undergrowth.
		Section 164.
		Started from upper front corner, left bank, of the tract claimed by I. Hopkins.
S. 33¼ W.	2.00	
S. 46¼ W.	7.00	
S. 45¼ W.	6.00	
S. 27¼ W.	2.50	
S. 41 W.	7.08	
S. 33½ W.	3.00	
S. 42 W.	5.04	
N. 42 W.	15.30	Entered swamp.
	58.18	Thence through same swamp along back line.
		Section 99.
		Started from upper front corner of the tract claimed by Darcantel; thence—
S. 42 W.	17.56	
N. 42 W.	16.50	Entered swamp.
		Section 165.
		Started from upper front corner of section 99; thence traverse up left bank in front of section 165.
S. 59 W.	2.00	
S. 54¼ W.	13.00	
S. 62½ W.	4.00	
S. 46¾ W.	.82	
N. 44 W.	18.00	Entered swamp.

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Extract from the field-notes of survey, &c.—Continued.

		Section 97.
		Started from upper front corner of section 165, thence traverse up in front of section 97.
S. 46¾ W.	6.18	
S. 64 W.	3.62	
S. 69 W.	8.30	
S. 42 E.	0.94	
N. 44 W.	19.00	Entered swamp.
		Section 166.
		Started from upper front corner of section 97, thence traverse up left bank, in front of section 166.
S. 49 W.	9.50	
S. 55 W.	18.00	
N. 85 W.	46.30	
	59.94	
N. 27 E.	1.75	
N. 7½ E.	8.00	
N. 25 E.	6.50	
N. 4½ W.	4.00	
N. 25 E.	9.00	
N. 9¼ W.	4.50	
N. 32 E.	6.00	
S. 79 E.	4.79	Thence through deep palmetto swamp.
N. 57¼ E.	17.00	Crossed palmetto swamp.
		Section 107.
		Started from lower front corner of section 106, thence traverse down right bank in front of section 107.
N. 11¾ E.	0.25	
N. ½ W.	5.00	
N. 20 E.	7.00	
N. 33½ W.	4.00	
N. 17 E.	5.00	
N. 42 E.	6.80	
N. 11¾ W.	3.81	Set post on the edge of shell-road nearest to the swamp, thence through palmetto swamp.
S. 84½ E.	20.00	Crossed palmetto swamp.
	116 36	Set post in swamp.
		GOVERNMENT RESERVATION.
		Section 10.
		Started from lower front corner of section 108, thence traverse down right bank of Bayou Saint John.
N. 10½ E.	3.29	
N. 26½ E.	8.00	
N. 37½ E.	1.72	
	4.00	
N. 13 E.	4.00	
N. 4½ W.	.31	
	3.22	
	10.00	
N. 85½ E.	.61	
S. 82½ E.	17.52	
S. 15 W.	27.70	Through palmetto swamp; set post in swamp.
		Section 110.
		Started from the lower front corner of the one-arpent front, thence—
N. 84½ E.	8.73	Set post in swamp.
S. 4½ E.	2.91	Post in swamp.

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Extract from the field-notes of survey, &c.—Continued.

		Section 109.
		Started from northeast corner of section 109.
S. 20¾ W.	6.43	Set post in palmetto swamp.
		Section 119.
		Started from north corner of section 137, thence traverse down right bank of Bayou Saint John.
N. 12 E.	2.96	
N. 11 E.	5.00	
N. 15¼ E.	6.00	
N. 83¼ W.	116.36	Thence along back line.
S. 2¾ W.	.87	
	24.56	Set post in swamp.
		Section 147.
		Started from northwest corner of section 146, thence—
N. 83¼ W.	2.36	Entered swamp.
		Section 148.
		Started from northwest corner of section 147, thence—
N. 83¼ W.	17.46	
		Thence along west boundary of section 148.
S. 3 W.	6.92	Entered willow swamp.
		Started from post at the northeast corner of Livandar's 19 arpents front, tract H 74, section 52.
N. 32¼ W.	44.00	Crossed swamp.
	98.01	Entered swamp.
	121.00	Crossed swamp.
S. 22½ E.	14.50	Entered swamp.
	130.40	Swampy undergrowth.
		Section 117.
		Traverse down left bank of Bayou Saint John.
N. 55¾ E.	7.50	
N. 15 E.	5.00	
	11.00	
N. 30¾ E.	6.00	
N. 42¼ E.	4.50	
N. 8½ W.	7.00	
N. 43 E.	5.00	
N. 12¾ E.	5.00	
N. 83¼ W.	21.00	
	36.00	Entered cypress swamp.
		Section 116.
		Started from lower front corner of section 117, thence traverse down left bank of Bayou Saint John.
N. 8 E.	4.70	
N. 36 E.	4.00	
N. 5¼ E.	3.57	
N. 83¼ W.	18.00	Crossed palmetto swamp.
		Section 115.
		Started from lower front corner of section 116, thence traverse down left bank of Bayou Saint John.
N. 20½ E.	8.99	
N. 83¼ W.	22.00	Crossed palmetto swamp.

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Extract from the field-notes of survey, &c.—Continued.

		Section 127.
		Started from traverse corner of the west boundary of township 12 south, range 11 east, thence traverse down right bank of the bayou.
N. 68 E.	4.00	
S. 3¼ W.	58.70	Set post in swamp.
S. 88¼ E.	22.00	To swamp again.
	26.45	
N. 3¼ E.	26.50	Crossed swamp.
		Section 125.
		North side upper line:
		Started from upper front corner stone post on left bank of Bayou Metairie, thence—
N. 2¼ E.	62.60	Through field, along ditch to swamp.
		Went back to upper front corner of section 125, and run traverse down left bank in front of section 125.
N. 55¼ E.	14.47	
N. 75¼ E.	10.00	
S. 80¼ E.	14.00	
S. 46¼ E.	13.80	
S. 24¼ E	8.00	
N. 5¼ E.	22.00	Crossed field; entered swamp.
	37.00	Entered large timbered swamp.
		South part of section 125:
		Started from lower front corner of section 127, traverse down right bank of Bayou Metairie.
S. 84¼ E.	.39	
S. 74¼ E.	7.00	
S. 47¼ E.	11.00	
S. 32¼ E.	8.00	
S. 14¼ E.	7.37	
S. 5¼ W.	29.00	Crossed field; entered undergrowth; swamp.
		Section 124.
		South side:
		Started from lower front corner of section 125, thence traverse down right bank in front of section 124.
S. 14¼ E.	5.63	
S. 16¼ E.	9.00	
S. 23¼ E.	7.00	
S. 5¼ W.	24.00	Entered woods and swamp, north side of R. and R. 28.
		Section 124.
		Started from lower corner of section 125, thence traverse down left bank.
S. 14¼ E.	14.50	
S. 18 E.	10.50	
N. 5¼ E.	30.50	Crossed field, along ditch, to swamp.
		Section 123.
		South side:
		Started from lower front corner of section 124, on the right bank, thence traverse down right bank in front of section 123.
S. 39 E.	6.00	
S. 48¼ E.	2.38	
S. 5¼ W.	16.00	Crossed field; entered swamp.
		North side of section 123:
		Started from lower front corner of section 124, on the north side of Bayou Metairie, thence traversed down.
S. 41¼ E.	8.00	
N. 5¼ E.	32.00	Crossed field; entered swamp.

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Extract from the field-notes of survey, &c.—Continued.

		Section 122.
		North side:
		Started from lower front corner of section 123, on the left bank of Bayou Metairie, thence—
S. 45½ E.	7.49	
N. 5½ E.	29.40	Entered cypress swamp.
		Section 121.
		North side:
		Started from lower front corner of section 122, on the left bank of Bayou Metairie, thence down left bank.
S. 80¾ E.	5.84	
N. 5½ E.	30.00	Crossed field; entered swamp.
	220.00	Entered open swamp.
		Section 120.
		North side:
		Started from lower front corner of section 121, left bank of Bayou Metairie, thence traverse down left bank.
N. 77' E.	9.17	
N. 5½ E.	19.28	Entered willow swamp.
		Section 191.
		Started from upper front corner of section 190, thence up left bank of Bayou Saint John.
S. 28½ E.	3.61	
N. 83¼ W.	8.73	To southwest corner of section 191. Set post in sea-marsh.
		Section 126.
		Started from southwest corner of section 114, thence through untimbered swamp.
		Section 112.
		Started from upper front corner of section 114, thence traverse up left bank of Bayou Saint John, in front of section 112.
S. 42½ W.	1.25	
S. 22½ W.	5.00	
S. 26½ W.	3.00	
S. 3¾ W.	6.00	
S. 14½ E.	6.00	
S. 15½ W.	4.00	
S. 13 W.	4.00	
S. 28½ E.	3.00	
S. 16 W.	5.00	
S. 4½ E.	6.00	
S. 20½ W.	7.00	
S. 33½ W.	3.00	
S. 10½ W.	1.38	
N. 83¼ W.	17.00	Crossed palmetto swamp.
	116.00	
N. 9¾ E.	2.90	
	38.00	Crossed to open sea-marsh.
		Section 113.
		Started from the upper front corner of section 112, thence traverse up left bank of Bayou Saint John.
		To upper front corner of section 113. Set post 1.00 chain above, and opposite of, Bayou Biehville, thence—
N. 83¼ W.	8.00	To canal, 3.50 chains wide, to swamp.
	29.00	Crossed palmetto swamp.

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Extract from the field-notes of survey, &c.—Continued.

		Section 31.
		Started from fifth mile-post of south boundary of township 12 south, range 11 east, thence—
North.	12.00	Entered undergrowth and swamp.
		Section 32.
		Started from northeast corner of section 31, thence—
East.	51.59	
S. 22½ E.	34.87	Set post; no trees; palmetto swamp.
		Section 33.
		Lot 1, containing 30.72. All high unoccupied land.
		Section 30.
		Started from north corner, between sections 31 and 32, thence through swamp and undergrowth.
		Section 29.
		Started from section-corner between sections $\frac{29\,28}{32\,33}$, thence—
North.	8.02	
S. 61½ W.	10.14	
S. 32½ E.	14.98	To intersection of north boundary of section 22, at 1.17 chains west from corner. North half of section 29, high; south half, swamp.
		Section 20.
		Started from section-line, between sections 20 and 29, at the intersection with east line of section 120, thence crossed Metairie race-course, entered swamp; willow undergrowth.
N. 5½ E.	80.37	
East.	21.50	Crossed swamp to shell-road.
	23.80	Crossed canal and entered swamp.
		Section 21.
		Started from corner already established at the intersection between sections $\frac{17\,16}{20\,21}$, thence east through boggy swamp,
East.	33.00	To draining canal.
		Section 16.
		Started from corner between sections $\frac{17\,16}{20\,21}$, thence—
North.	37.11	Through boggy swamp.
		Section 17.
		Started from the intersection of the section-line of north boundary of fractional section 20, with lower line of Hatjeur, section 120, thence—
S. 5½ E.	80.37	
East.	21.00	Crossed swamp to shell-road.
		Fractional section 25.
		Started from second mile-post on the east boundary of township 12 south, range 11 east, thence—
West.	19.21	Through boggy swamp.

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Extract from the field-notes of survey &c.—Continued.

		Fractional section 24. NOTE.—The south half of south half of fractional section 29 is high land; the balance of it is overflowed; also the whole of fractional sections 17, 16, 21, 15, 22, 8, 25, and 24 can be drained even in ordinary times, only by artificial means. North half of section 29 is high land, claimed by Riding Park Association.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING, IN OBEDIENCE TO LAW,

A copy of the report of Maj. J. M. Wilson, Corps of Engineers, upon the examination and cost of construction of the third subdivision of the Northern Transportation Route.

JANUARY 26, 1875.—Referred to the Select Committee on Transportation Routes to the Seaboard and ordered to be printed.

WAR DEPARTMENT, *January* 25, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in compliance with the requirements of the river and harbor act of June 23, 1874, copy of report of Maj. J. M. Wilson, Corps of Engineers, upon the examination and cost of construction of the third subdivision of the Northern Transportation Route; this being one of the four routes indicated in the report of the Senate Select Committee on Transportation Routes to the Seaboard.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 23, 1875.

SIR: To comply with the requirements of the river and harbor act of June 23, 1874, for surveys and estimates for the improvements recommended by the Senate Committee on Transportation Routes to the Seaboard, on the four routes indicated in the report of the committee, I beg leave to submit herewith a copy of the report of Maj. J. M. Wilson, Corps of Engineers, upon the examination and cost of construction of the committee's third subdivision of the Northern Transportation Route, which comprises the enlargement and improvement, with the concurrence of the State of New York, of one or more of the three water-routes from the lakes to New York City, namely: The Erie Canal, from Buffalo to Albany; the Oneida Canal, from Oswego to Albany; and the Champlain Canal, from Lake Champlain to deep water on the Hudson, including such connection as may be effected between Lake Champlain and the Saint Lawrence River with the co-operation of the British Provinces.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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UNITED STATES ENGINEER OFFICE,
Oswego, N. Y., December 29, 1874.

GENERAL: I have the honor to transmit by express to-day my report upon the third subdivision of the Northern Transportation Route, together with the following charts and drawings:

1st. Chart showing the Erie and Oneida Ship-canal routes.

2d. Profiles of the Erie and Oneida Ship-canal routes.

3d. Chart showing the Oneida Ship-canal route, with profile, between Oswego and its connection with the Erie route at Durhamville.

4th. Chart showing the Oneida River, with the proposed cross-cuts for the Oneida Lake Ship-canal.

5th. Chart showing proposed route of Fish Creek feeder for supplying additional water for the long level on the Erie Canal.

6th. Chart showing where reservoirs may be located for additional water-supply for the Erie and Oneida Ship-canal routes.

7th. Chart showing the line of the proposed Caughnawaga Canal.

8th. Chart showing location of new tier of locks at Lockville, on the Erie Canal.

9th. Chart showing location of new tier of locks at Lockport, on the Erie Canal.

10th. Chart showing location of side-cut locks at Troy, N. Y., for the Erie and Oneida Ship-canals.

11th. Chart showing location of lock connecting with the Hudson River at Albany for the Erie and Oneida Ship-canal, from above Troy dam to Albany.

12th and 13th. Drawings showing plan for enlarging present aqueducts on the Oneida Ship-canal route.

14th, 15th, and 16th. Drawings showing the method of enlarging the present locks, and for new locks, where required, upon the Erie Canal route.

I have also in preparation, and will submit at a future day, a chart of the Champlain Ship-canal route from Whitehall to Troy; a chart showing the line of the canal from above Troy to Albany, and a large chart showing all three routes from Lake Erie to the Hudson.

I am, general, very respectfully, your obedient servant,

JOHN M. WILSON,
Major of Engineers, U. S. A.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

THIRD SUBDIVISION OF THE NORTHERN TRANSPORTATION ROUTE.

UNITED STATES ENGINEER OFFICE,
Oswego, N. Y., December 24, 1874.

GENERAL: The act of Congress approved June 23, 1874, directed tha certain surveys and estimates should be made of the various routes o transportation recommended by the select committee of the United State Senate in their report of April 24, 1874.

On the 2d of July I was notified by the Chief of Engineers that h had assigned to me, in addition to my other duties, the subject com prised in the third subdivision of the northern route, viz, the examina tion and formation of estimates of the probable cost of the enlargemen and improvement, with the concurrence of the State of New York, o one or more of the three water-routes from the lakes to New York City

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These include the Erie Canal from Buffalo to Albany, the Oneida Lake Ship-canal from Oswego to Albany, and the Champlain Ship-canal from Lake Champlain to deep water on the Hudson River, including such connections as may be effected, between Lake Champlain and the Saint Lawrence River, with the British provinces.

In September I was instructed by the Chief of Engineers that, upon the Champlain route, Troy would be the southern limit of my field, as far as the Hudson River was concerned, and, at a later date, I was further directed to include in the consideration of that route the alternative of leaving the river above the Troy dam, and continuing the route by ship-canal to Albany.

OBJECT OF THE SURVEYS.

The object of these surveys and estimates was to secure the greatest amount of exact information in reference to the cost of enlarging these great water-routes between the lakes and tide-water, so that they should comply with the requirements of the present age, and afford ample facilities to the rapidly-increasing demands of the Great West for the transportation of her products to the markets of the East.

CHARACTER OF THE WORK.

The national character of this great work, the benefits to be derived from each route, and the combined benefits of the proposed system of improvements have been so ably and thoroughly discussed by the United States Senate committee, and their views supported by such a mass of statistics, that I am satisfied that it is neither expected nor desired that I should enter into a discussion of its necessity, and I shall therefore confine myself entirely to a description of the routes and the engineering operations required, and present the necessary estimates of the cost of carrying out the end in view.

Immediately after the receipt of my instructions, I entered upon the duties assigned to me, and proceeded to gather all possible data upon the subject. The limited funds at my command, six thousand dollars, rendered it necessary that I should avail myself of all the information I could obtain from surveys already made, and through the great courtesy and kindness of the chief engineer of the State of New York and his assistants, who promptly placed the records of their offices at my service, I have only found it necessary to make new surveys over portions of the routes, but have caused complete and careful reconnaissances to be made over all three lines, and have personally examined the most important localities.

DIVISION OF THE WORK.

The subject naturally divided itself into three parts, and to each division I assigned capable and efficient civil engineers with proper assistants.

The reports of these gentlemen, transmitted herewith, are the result of careful study and close examination, and their reputations in their profession are such that the utmost reliance can be placed upon their conclusions.

It will be perceived that free use has been made of the reports of previous surveys of these various routes, but every item has been closely and carefully studied before being offered as correct, and the reports are replete with data never before presented.

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THE ERIE CANAL ROUTE.

History and description of the present canal.—This great water-route, passing through the garden-district of the Empire State, connects Lake Erie at Buffalo with the Hudson River at Troy and Albany.

In 1808 the surveyor-general of New York was directed to survey a route for a canal from the Hudson River to Lake Erie. Three years later a commission reported that a continuous canal on "an inclined plane" was practicable, and in 1811 the legislature directed the construction of the present route. The war of 1812 prevented the continuation of the work, and nothing further was done until 1816, when a new commission was formed.

The work was commenced July 4, 1817, and completed in 1826. The prism of the canal was 40 feet at surface, 28 at bottom, with a depth of 4 feet, and it was navigable at that time for boats of seventy-six tons burden.

In 1834 the legislature of New York directed that double locks should be constructed on a part of the line, and in 1835 its enlargement was authorized, so as to be navigable for boats of two hundred and forty tons.

It is now three hundred and fifty-one and seventy-eight hundredths miles long, with seventy-one lift and two guard locks, and a lockage of $654\frac{8}{10}$ feet; the lift-locks are all double except at one or two localities, and at those places it is anticipated that the work of doubling will soon be completed. These locks are 110 feet long, 18 feet wide, with a depth of 7 feet on the miter-sill; the maximum lift is $15\frac{1}{2}$ feet, which occurs at Albany.

The prism of the canal is 70 feet at surface, 56 feet at bottom, with a depth of 7 feet from Albany to Rochester; at Rochester, it is 71 feet wide at the surface, and 53 feet at the bottom, with a depth of $7\frac{1}{4}$ feet; it increases regularly from Rochester to Lockport, at the latter place being 98 feet on the surface and 79 at the bottom, with a depth of $7\frac{1}{2}$ feet; the grade of the bottom between these last-mentioned places is forty-three thousandths of a foot to the mile.

From Lockport, for three miles, the canal passes through a heavy rock-cutting; the prism is 62 feet on the surface and 60 feet at the bottom, with a depth of 9 feet; to Tonawanda, twelve miles, using Tonawanda Creek, it is 200 feet wide on the surface and 9 feet deep; to Black Rock, eight miles, it is 80 feet wide on the surface, 60 feet on the bottom, and from 8 to 9 feet deep.

The boats now navigating the canal are 98 feet long, $17\frac{5}{12}$ feet wide, and draw $6\frac{5}{12}$ feet; the maximum burden is two hundred and forty tons; the trunk of the canal is capable of doing three times the business done with the present class of boats.

Enlargement of locks.—In 1863 surveys and estimates were made under the direction of the State engineer of New York for constructing a series of enlarged locks alongside the present ones, so as to pass gunboats from tide-water to Lake Erie. This was done carefully, elaborately, and faithfully, and a full and detailed report submitted.

To that report I am indebted for the most valuable information, and I have fully relied upon the data it contains, knowing the high character and ability of the engineers engaged upon the work.

Object of the present examination.—The object of the present examination and estimate is to determine the cost of enlarging one tier of the present locks, so as to pass boats 210 feet long and 25 feet wide, with a

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draught of $6\frac{5}{12}$ feet, the burden being six hundred and ninety tons, and to deepen the canal to 8 feet, except upon mechanical structures.

The enlarged locks are to be 225 feet long, 26 feet wide, and the depth upon the miter-sill will be 7 feet.

Mr. Octave Blanc, assistant engineer, whose report is transmitted herewith, has most carefully studied the whole subject, and presents estimates for enlarging one tier of the present locks, &c. This plan is recommended by him, except in certain localities, and in this recommendation he is sustained by the most competent canal-engineers.

I have thoroughly examined the case and personally inspected the most prominent localities along the whole line, and agree with him perfectly; although estimates have heretofore been made both for a new tier of locks and for enlarging the present ones, I earnestly recommend, should the work be undertaken, that the latter plan be adopted. In enlarging one lock navigation will be only partially impeded, and if appropriations are made so that materials can be purchased in the summer and delivered at the proper localities, the work can be rapidly advanced during the winter; moreover, boats of the size now navigating the canals will, in case the locks are enlarged, cease to be used in a few years, and then if the demands of commerce render it necessary, the other locks can be readily improved.

In accordance with my instructions these estimates have been prepared for stone locks only, using the best class of materials. In a work of this magnitude only the most durable materials should be used.

Deepening the canal.—In the advancement of science, it is certain that steam-power upon the canals will ere long be used entirely, and, therefore, every facility should be offered for the rapid movement of boats. During the past season great progress has been made in the use of steam, and the fact has been clearly shown that, with extended facilities for its use, cheap transportation over this canal can be secured. The present boats, drawn by horses, consume from ten to twelve days in going from Buffalo to Albany, while the steam canal-boats, used the past season, have made the trip in six. For this reason I have thought best to estimate, also, for deepening the canal, so that there will be nowhere, except upon mechanical structures, a less depth than 8 feet. This will give sufficient water to allow steamboats drawing $6\frac{1}{2}$ feet to navigate the canal without difficulty.

Water-supply.—Mr. Martin King, assistant engineer, has given the subject of the water-supply the most careful attention, and the statement prepared by him, and submitted in Mr. Blanc's report, gives sufficient data to show that a full supply can be maintained without difficulty.

In the last report of the canal commissioners of the State of New York the following statement occurs:

The whole number of boats cleared at Buffalo during the season of 1873 shows a daily average of nearly fifty, which may be classified as follows:

Grain-boats, daily	30
Lumber-boats, daily	10
Staves, shingles, and hoops boats, daily	5
Miscellaneous cargo boats, daily	5
Total	50

Fifty boats clearing and fifty arriving, making one hundred lockages per day, or nineteen thousand lockages in the aggregate during the past season, which is eleven thousand less than can be made with single locks alone.

The new boats to be used will have a capacity of more than three times those now in use, and for this reason I have concluded that a

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water-supply sufficient for the passage of one hundred of these will accommodate the demands of commerce for many years to come, and have based my estimates accordingly.

The main supply of the canal between Buffalo and Clyde is derived from Lake Erie, and the source is ample for the purpose if properly managed.

The Montezuma level, the lowest on the canal, drains from both sides, and has never given trouble.

The Port Byron and Jordan levels, which have given rise to questions as to the sufficiency of their supply, are shown to have a surplus of over eight million cubic feet per twenty-four hours, a fact certainly to be a source of gratification, as all natural feeders have already been brought into use.

Upon the Rome or long level, there is at present a large surplus, and the Fish Creek feeder, for which estimates, based upon quantities as given in the report of the New York State engineer for 1864, have been made, can supply in addition over ten million cubic feet per twenty-four hours throughout the season. As the present Oneida Lake Canal is also to be supplied from this level, but has not been considered in Mr. Blanc's report, allowance must be made for it; it will require about five million cubic feet per twenty-four hours, leaving still a large available surplus for the long level.

From this level to Albany, the supply is abundant and far in excess of the demand. I am therefore satisfied that a full and sufficient supply of water can be obtained to answer all the demands of commerce for many years to come upon the Erie Canal with its locks enlarged.

Present project.—It is now proposed to enlarge one tier of the present locks throughout the whole line of the canal, except at Albany, West Troy, Lockville, and Lockport.

At Lockville, the new canal, three-quarters of a mile long as projected by State Engineer Story, of New York, is recommended, with two locks of twelve feet lift each, thus cutting off the bend in the present canal and overcoming the fall with two instead of three locks, as at present.

At Lockport it is also deemed best to construct a new flight of locks, as recommended by the same engineer, alongside the present ones, and overcoming the fall with three instead of five locks as at present; this is so arranged that should it be demanded in the future another tier can be constructed; a new race is also projected with drop over breast-walls instead of the inclined plane now used.

Cost of the project.—The cost of the proposed work, which includes the enlargement of locks, changes in aqueducts, bridges, culverts, &c., incident thereto, and deepening the canal, so that there will be nowhere, except upon mechanical structures, a less depth than 8 feet, will be as follows:

Locks	$4,421,711 80
Aqueducts, culverts, bridges, &c	363,777 25
Removing bench-walls	710,000 00
Widening canal near aqueducts	9,925 00
Deepening canal	1,361,241 00
Land damages	190,000 00
Engineering and contingencies, 10 per cent	686,665 50
Fish Creek feeder	430,276 00
Total	8,173,596 55

Or, without deepening the canal, $6,676,231.45.

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Time of completion.—In the opinion of the most competent engineers this work could be completed in two years if proper appropriations should be made. The summer could be used for transporting the necessary materials to the proper localities, and the work would be done during the winter with but a partial interference with navigation for two seasons only.

THE ONEIDA LAKE SHIP-CANAL ROUTE.

History and description of the route.—This route includes the Welland Canal, which connects Lake Erie with Lake Ontario, Lake Ontario from Port Dalhousie to Oswego, the Oswego Canal enlarged, to the mouth of Brandy Brook near Phœnix, N. Y., a new canal and Oneida River to Oneida Lake, the Lake and Oneida Canal to Durhamville, and the enlarged Erie Canal to Albany, thus making a through water-route connecting Lake Erie with tide-water on the Hudson.

The early history of inland navigation between Albany and the lakes shows that the regular line of communication was by way of the Mohawk River, Wood Creek, Oneida Lake, and the Oneida and Oswego Rivers, the only break being near Rome.

The project of improving the Mohawk and cutting a channel across the portage near Rome, attracted attention at a very early date, and reference was made to the subject by the surveyor-general of New York in 1724, and the governor in 1768.

In 1791 the legislature directed surveys and estimates to be made for building a canal across this portage, and, in 1808, the surveyor-general of New York reported that a canal could be constructed from Oneida Lake to Lake Ontario.

In 1825 the construction of the Oswego Canal was commenced and in 1828 it was completed to its junction with the Erie Canal; in 1847 its enlargement was authorized, and this was finished in 1862; in 1832 a canal connecting Oneida Lake with the Erie Canal at Higginsville was authorized, and it was completed in 1836; in 1839 the improvement of the Oneida River was undertaken, and upon its completion, in 1850, there was a direct water-line upon this route from tide-water to Lake Ontario for boats of seventy-six tons burden, drawing three and a half feet water.

In 1867 a new line was located for the Oneida Lake Canal, intersecting the Erie Canal at Durhamville, and its construction, together with the improvment of the Oneida River, was ordered so that boats of two hundred and forty tons burden could pass from the Hudson at Albany, to Lake Ontario at Oswego; the work upon this improvement is now in progress.

The present route.—At present the route, including the incomplete portion, consists of the Oswego Canal to Oneida River, thence by that river to Oneida Lake, thence through the lake and Oneida Canal to Durhamville, thence by the Erie Canal to Albany. The total length of this route is two hundred and seven and nine hundred and thirty-five thousandths ($207\frac{935}{1000}$) miles, as follows:

	Miles.
From Oswego to Phœnix	20.5
From Phœnix to Oneida Lake, via Oneida River	21.634
Through Oneida Lake to canal	21.339
Oneida Lake Canal to Durhamville	5.082
Durhamville to Albany	139.380
Total	207.935

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There are thirteen lift-locks between Oswego and Phœnix, with a lockage of one hundred and twelve and sixty-seven hundredths ($112\frac{67}{100}$) feet; upon the Oneida River there are two lift-locks, with a lockage of seven and thirteen hundredths ($7\frac{13}{100}$) feet; upon the Oneida Canal, six lift-locks, with a lockage of sixty-two feet; and upon the Erie Canal, forty-six lift-locks, with a lockage of four hundred and twenty-six and ninety-six hundredths ($426\frac{96}{100}$) feet; making a total of sixty-seven locks, with a lockage of six hundred and eight and seventy-six hundredths ($608\frac{76}{100}$) feet, of which one hundred and eighty-one and eight hundredths ($181\frac{8}{100}$) feet ascends, and four hundred and twenty-six and ninety-six hundredths ($426\frac{96}{100}$) feet descends eastwardly.

The new project.—It is now proposed to enlarge this route, which nature has provided and art improved, by constructing a ship-canal from Oswego to Albany.

THE WELLAND CANAL.

The new Welland Canal, now in process of enlargement, will be twenty-seven and one-fifth ($27\frac{1}{5}$) miles long, with a lockage of three hundred and twenty-six (326) feet; its prism will be one hundred and fifty (150) feet wide at surface, one hundred (100) feet at bottom, with a depth of thirteen (13) feet; the locks, twenty-five in number, will be 270 feet long, 45 feet wide, with a depth of 12 feet on the miter-sill. This will admit the passage of vessels two hundred and fifty feet long, with a carrying-capacity of fifty thousand (50,000) bushels of wheat. Vessels of this size, passing through the canal and Lake Ontario, will transship their cargoes at Oswego to steam-barges with a carrying-capacity of about 25,000 bushels of wheat, or to barges to be towed with a capacity of 28,000 bushels; and for the passage of these barges through to the Hudson, it is proposed to construct the Oneida Lake Ship-Canal.

THE NEW CANAL.

The survey and estimates for this route have been in charge of Mr. James S. Lawrence, a competent and careful engineer, whose report is transmitted herewith, and to which I refer for details.

Mr. Lawrence has given the subject close study for the past four months, and his report is replete with interesting data; his estimates have been made for substantial structures of the most durable character.

THE ROUTES FROM LAKE ONTARIO TO ONEIDA LAKE.

Two routes from Oswego to Oneida Lake are presented for consideration, the one by using the Oneida River throughout its whole length, the other, by what is known as the "cross-cut line," which leaves the Oswego Canal near Phœnix, makes a new canal, two and three-fourths miles long, to Peter Scott's swamp on the Oneida River, thence along that river a short distance, thence again by a canal two and one-eighth miles long to a point on the river near Brewerton, thence by the river to Oneida Lake.

By this latter route, the distance from Oswego to the lake is lessened nearly seven and a half miles, but the cost is about nine hundred and sixty-two thousand (962,000) dollars greater; the advantage gained in distance is, however, so great that this route is considered the more preferable of the two, and is recommended as the one to be used.

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The route proposed.—The proposed route on this line is therefore as follows:

	Miles.
From Oswego to mouth of Brandy Brook, near Phœnix, N. Y	20.50
From near Phœnix to Oneida Lake, by canal and Oneida River	14.146
Oneida Lake to Oneida Lake Canal	21.339
Enlarged Oneida Canal to Durhamville	5.082
Enlarged Erie Canal, from Durhamville to Albany	139.380
Total	200.447

Total distance, about two hundred and one-half miles.

The prism of the canal and the locks.—The prism of the canal will be one hundred and forty feet at the surface, one hundred and twenty feet at the bottom, with a depth of ten feet; the locks will be one hundred and eighty-five feet between the quoins, twenty-nine feet wide, with a depth of nine feet on the miter-sill; this will pass boats one hundred and seventy feet long, twenty-eight feet beam, and drawing eight and a half feet, with a carrying capacity of twenty-eight thousand bushels of wheat.

There will be sixty-seven lift-locks between Oswego and Albany, with a lockage of 608.76 feet, of which 181.8 will be ascending and 426.96 descending to Albany; there will also be two side-cut locks to enter the Hudson River at Troy.

It is, of course, not contemplated that lake-vessels of large tonnage and expensive equipment will navigate this canal, but that their cargoes will be transferred at Oswego to steam-barges carrying twenty-five thousand bushels of wheat, or to barges of a little greater capacity, which will be towed. This subject is thoroughly discussed in the report of Hon. W. J. McAlpine, who has fully considered the question of the cost of transportation; the whole appears in the report of the United States Senate committee, and it is not deemed necessary to dwell further upon it here.

The water-supply.—Mr. Lawrence has given close attention to the subject of the water-supply upon this route, and presents an array of facts which conclusively proves that all the water can be obtained that the demands of navigation will require.

The large area from which Oneida Lake draws its supply, together with the Oneida, Oswego, and Seneca Rivers, furnishes an abundant supply of water from Oneida Lake to Oswego, and the transfer of a portion of it through Fish Creek feeder to the long level would scarcely be noticed.

The Rome or long level furnishes the supply for the Oneida Lake Canal, and the lockage upon this route near Utica; the present supply upon this portion is shown by Mr. Lawrence to be in excess of the demand, but it is deemed necessary to recommend the construction of Fish Creek feeder as planned by the New York State engineers, as an additional source of supply in case of accident. This will furnish over ten million cubic feet daily, and a large portion of the supply thus diverted from Oneida Lake will be returned to it through the Oneida Lake Canal.

Should circumstances ever render it necessary to obtain a still greater supply upon this portion of the route, reservoirs could be constructed for storing the waters of the spring-season at the headwaters of the Mohawk, of Fish Creek, of Black River, and among the Chenango Hills.

From Utica to Albany, the principal supply is from the Mohawk; additional amounts being received from minor feeders at various points. The supply upon this portion of the route is shown to be sufficient for the demand.

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COST OF THE ONEIDA LAKE SHIP-CANAL.

The estimates made for the construction of this canal show that the approximate cost will be as follows:

From Oswego to mouth of Brandy Brook	$2,652,736 50
From mouth of Brandy Brook to Oneida Lake	1,505,208 00
Oneida Lake, excavation and piers	83,025 00
Oneida Lake Canal to Durhamville	782,899 00
Engineering and contingencies, 10 per cent	502,386 85
Land damages *en route*	397,341 50
Total from Oswego to Durhamville	5,923,596 85

Erie Canal portion of Oneida route.

Durhamville to Albany, including side-cut locks at Troy	$17,012,142 40
Land damages *en route*	1,847,842 00
Fish Creek feeder	430,276 00
Total from Durhamville to Albany	19,290,260 40
From Oswego to Durhamville	$5,923,596 85
From Durhamville to Albany	19,290,260 40
Total from Oswego to Albany, N. Y.	25,213,857 25

Time of completion.—The time of completion would of course depend upon the amount of the annual appropriations; if funds were promptly supplied, the work could probably be completed in four years.

THE CHAMPLAIN SHIP-CANAL ROUTE.

This route, connecting Lake Erie with the Hudson River, includes the Welland Canal, Lake Ontario, the Saint Lawrence River and canals to Caughnawaga; a new canal from Caughnawaga to Saint John's, on the Richelieu River; the Richelieu River to Lake Champlain; Lake Champlain to Whitehall; a new canal in connection with Wood Creek to Fort Edward, and the Hudson River, by means of slack-water navigation, to Troy; from there the route is continued to New York, either by the Hudson River, with increased depth, or by leaving the river above the Troy dam, and passing, by means of the Lower Mohawk and the Erie Canal enlarged, to deep water at Albany, N. Y.

THE WELLAND CANAL.

The new Welland Canal, as previously stated, will be twenty-seven and one-fifth miles long, with a lockage of 326 feet, and capable of passing vessels with a carrying capacity of fifty thousand bushels of wheat.

THE SAINT LAWRENCE RIVER AND CANALS.

From Kingston to Caughnawaga, on the Saint Lawrence River, the distance is one hundred and sixty-nine and one-half miles; the canals around the rapids, above Caughnawaga, are five in number, with an aggregate length of thirty-five and one-eighth miles, a lockage of 162 feet, and twenty-two locks; upon the downward trip of steamers these canals are not used. At present, the locks are not capable of passing boats of greater burden than seven hundred tons, but it is stated that the Canadian government proposes to enlarge them so as to pass ves-

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sels of the same size as will navigate the Welland Canal, and to improve the river-channel so as to obtain a depth of not less than 12 feet throughout its entire length.

THE PROPOSED CAUGHNAWAGA CANAL.

The Canadian government has granted a charter to a private company to construct a canal from the Saint Lawrence River, at Caughnawaga, nine miles above Montreal, to Saint John's, on the Richelieu River, in connection with the Chambly Canal, thus connecting the Saint Lawrence with Lake Champlain by a new route. The prism of this canal is to be 150 feet wide at surface, 100 feet at bottom, and the depth 13 feet; the locks are to be 270 feet long, by 45 feet wide, with a depth of 12 feet on the miter-sill, so as to pass boats with a carrying capacity of about fifty thousand bushels of wheat.

Survey and estimate of cost of Caughnawaga Canal.—This canal will be thirty-two and one-fifth miles long, with three locks and a lockage of 29 feet. The original surveys were made in 1848 by the late J. B. Mills, an engineer of great experience, and the route has been examined several times since by able men in the profession, and pronounced perfectly feasible. A recent approximate estimate of its cost, made by Hon. Walter Shanley, civil engineer, based upon the original estimate of Mr. Mills, places the cost of the construction of the canal at $5,500,000, (gold;) the cost of the necessary improvement of the Richelieu River is estimated by Hon. John Young, of Montreal, at $35,000, (gold.)

OBJECT OF THE PRESENT EXAMINATION.

The object of the present examination and estimates is to determine the method and cost of constructing a ship-canal from Whitehall at the head of Lake Champlain to Fort Edward on the Hudson, and to improve the navigation of the latter river by locks and dams, so that, in connection with the Saint Lawrence River and Canadian canals, steamers with a carrying-capacity of about fifty thousand bushels of wheat can pass directly from the lakes to deep water on the Hudson without breaking bulk.

The surveys and estimates for this route have been in charge of Mr. Charles A. Fuller, an able civil engineer, of great experience upon public works. Mr. Fuller has personally examined the whole route from Caughnawaga to Albany, and has given the subject his earnest attention for the past four months. To his report, which is transmitted herewith, I refer for details.

History of this route.—Immediately after the revolutionary war, the subject of a water-route from the Hudson to Lake Champlain was brought forward, and in 1791 the legislature of New York State directed surveys and estimates to be made for this purpose. In 1792, a company was organized with the intention of completing the water-connection through the valley formed by the Hudson and Lake Champlain, and work was commenced upon a canal from Whitehall to Fort Edward; it was, however, abandoned on account of the great cost of rising from the lake through the rock-formation to Wood Creek. In 1816, the New York State legislature authorized its construction, and in 1822 it was opened for navigation.

The prism of the canal at this time was 40 feet at the surface and 4 feet deep, and the locks 90 feet long and 15 wide. From time to time the depth has been increased, and in 1870 the legislature of New York di-

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rected that the prism throughout the canal should be 58 feet at the surface, 44 feet at the bottom, with a uniform depth of 7 feet. This improvement is now in progress.

The proposed route from the Saint Lawrence to Troy.—The distances upon this route are as follows:

From Caughnawaga to Saint John's	32.50 miles.
From Saint John's to Rouse's Point	22.00 miles.
From Rouse's Point to Whitehall	111.00 miles.
From Whitehall to Fort Edward	24.13 miles.
From Fort Edward to Troy	39.80 miles.
Total from Caughnawaga to Troy	229.43 miles.

Of this distance, fifty-four and a half miles are in Canadian territory.

From Rouse's Point to Whitehall, through Lake Champlain, no difficulty will be encountered in obtaining the full depth required, and the labor will therefore be upon the canal and river between Whitehall and Troy, N. Y.

The proposed canal.—The summit-level of the present Champlain Canal is 147 feet above tide-water, and between the lake and Fort Edward there are seven locks, with a lockage of 51 feet.

It was at first thought best to estimate for enlarging this canal to Fort Edward, and there to lock into the Hudson River. A survey for a new line, making use of Wood Creek, however, developed the fact that a canal could be constructed with a summit-level of 135 feet above tide-water, and this has been adopted.

This canal will be 24.13 miles long. The level of Lake Champlain is 96 feet above tide-water, and of the Hudson River, at Port Edward, 118 feet above tide. The rise of 39 feet from the lake to the summit, a distance of 9.38 miles, will be overcome with three locks, and the fall of 17 feet to the river, a distance of 14¾ miles, with one.

Our attention was first called to this new line by Canal-Commissioner Barkley, of New York, to whom I am indebted for most valuable information and suggestions, and the survey made through his courtesy showed that it was eminently a desirable one. It has, therefore, been adopted; and it is proposed, in connection with Wood Creek, to construct a new canal from Whitehall to Fort Edward, connecting with the Hudson River at the latter place.

The prism of the canal.—The canal will be 150 feet wide at surface, 100 feet at bottom, and the depth will be 13 feet; the locks will be constructed of the best masonry, and will be 270 feet long, 45 feet wide, with a depth of 12 feet on the miter-sill, and capable of passing vessels with a carrying-capacity of about 50,000 bushels of wheat.

Dams.—A dam, 125 feet long, across the mouth of Wood Creek, extending from the Whitehall lock to the east bank of the creek, will be required in order to raise the level to the next lock.

Bridges.—There will be twelve highway, one tow-path, and two railroad bridges required. Those for the highway and railroad will be swing-bridges of 190 feet span.

The river-improvement.—From Fort Edward to Troy the distance is 39.8 miles, with a fall of 118 feet.

It is proposed to render the river navigable for this distance by excavating wherever necessary, and by constructing suitable locks and dams. The channel will be 200 feet wide, with a depth of 13 feet.

Locks and dams.—The fall of 118 feet will be overcome by eleven locks and dams, and five auxiliary breast-dams. The locks will be of the same dimensions as upon the canal. The dams will be constructed of masonry laid in cement, with aprons of timber and stone. Of the sixteen

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dams required fourteen will be new ones, aggregating 7,037 feet in length. The dam at Troy, 1,100 feet long, will be raised about 2 feet. The new dam at Saratoga Falls, 846 feet long, will require no change.

Water-supply.—Careful surveys of the region in the vicinity of the headwaters of the Hudson, from which the water for this route will be derived, have recently been made by Prof. F. N. Benedict, and show that an abundant supply can be obtained. At present, the capacity of the Hudson to furnish the required amount is ample, and this could be greatly increased by a proper system of dams and reservoirs at the sources of the river to retain the surplus water until required. A large additional supply can be obtained by directing the flow into the Hudson of certain lakes that now empty into the Saint Lawrence.

Professor Benedict states that at present there can be supplied, over and above the amount now flowing into the headwaters of the Hudson, "sixty million cubic feet per diem," or more than the entire amount required for the supply of the enlarged canal.

In this connection, I quote the following from the report of Mr. Verplanck Colvin, made to the legislature of New York in 1873, on a topographical survey of the Adirondack wilderness:

> It is to be remarked that if, at any future time, it should become necessary to have a greatly-increased supply of water for the Hudson River or canals, even these distant lakes and rivers can be made tributary. The water of Smith's Lake, and of the lakes and streams emptying into it, could be turned by a dam and canal into Charley Pond, which empties into Little Tupper's Lake. By corresponding treatment, the waters of the latter could be led into Stony Pond, which empties into Long Lake, and then by the dam and canal, long since proposed by Professor Benedict, lead to the headwaters of the Hudson, nearly doubling the upper watershed of that noble river. In view of the proposed Champlain ship-canal, this source of water-supply may be of interest; but though the expenditure to render it available would be trifling, the consequential damages to mill-owners in the settlements, on the lower waters of the streams thus diverted, would be considerable.

The amount now required for the use of the canal for a period of 220 days, with 100 lockages daily, is estimated at 57,119,794 cubic feet daily, or 39,666 cubic feet per minute. The report of the State engineer of New York shows the supply at present to be as follows:

Wood Creek can furnish	6,671 cubic feet per minute.
Glen's Falls feeder can furnish	22,715 cubic feet per minute.
Total supply	29,386 cubic feet per minute.

Leaving a deficiency of 10,280 cubic feet per minute. This can be supplied by either enlarging Glen's Falls feeder, or by raising the water of the Hudson to the proper height by a dam above Fort Edward, and using the old Fort Edward feeder, which, since the construction of the Glen's Falls feeder by the State of New York, has been no longer necessary, the latter furnishing all the water required for the present Champlain Canal. The latter plan is recommended; being the cheaper of the two. There is no question but that an abundant supply of water can be obtained upon this route.

Cost of the project.—The following approximate estimate of the cost is submitted:

Canal-division.

Dams	$9,939 55
Locks	594,887 84
Prism	1,998,958 66
Regulating-weirs	61,545 78
Bridges	340,764 80
Fort Edward dam and feeder	282,708 00
Property damages	145,831 00
Engineering and contingencies, 10 per cent	343,363 56
Total	3,776,999 19

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River-division.

Dams	$733,318 32
Locks	1,714,464 58
Channel	4,157,596 00
Levees and property damages	100,000 04
Engineering and contingencies, 10 per cent	670,537 92
Total	7,375,917 16

Summary.

Canal-division	$3,776,999 19
River-division	7,375,917 16
Total from Lake Champlain to Troy	11,152,916 35

Time of completion.—The time required for the completion of this great work would of course depend upon the annual appropriations; if funds were promptly supplied the route could be opened for navigation in three or four years and operations could be made to keep progress with those upon the Caughnawaga Canal.

CANAL FROM THE HUDSON, ABOVE TROY, TO DEEP WATER AT ALBANY.

The result of operations upon the Hudson River rendered it questionable whether a full depth of thirteen feet could be maintained between Troy and Albany; and while the study of that subject was confided to that distinguished and accomplished engineer, General John Newton, I was directed to prepare an estimate for a canal from near Troy to Albany, in order to complete the connections for vessels of a carrying-capacity of 50,000 bushels of wheat, between the lakes and deep water upon the Hudson.

This project being a portion of the Champlain route, the plans and estimates for it were assigned to Mr. C. A. Fuller.

It is proposed to leave the Upper Hudson at what is known as the Lower Mohawk entrance, and, using the bed of the old stream, to lock up, with one lock of ten and a quarter feet lift, into the present Erie Canal near the West Troy weigh-lock. The channel of the Mohawk will be 200 feet wide and 13 feet deep; this will necessitate considerable rock and earth excavation.

Leaving this channel near the Troy weigh-lock, the present Erie Canal will be widened to 150 feet at surface and 100 feet at bottom, and deepened to 13 feet.

The locks.—There will be three locks, one to rise from the river to the canal at West Troy, one between Troy and Albany, and the third at the exit into Albany basin; these locks will be 270 feet long, 45 feet wide, with a depth of 12 feet on the miter-sill, and capable of passing vessels of the same size as those with which it is proprosed to navigate the Champlain Canal and Upper Hudson.

The water-supply.—The present water-supply is sufficient for the demand upon this portion of the route if devoted to its legitimate purposes.

The cost of this route.—The cost of this portion of the route, from the lower entrance into the Hudson River of the Mohawk, above the Troy dam, to deep water a Albany, is estimated as follows:

Mohawk River division, 2¼ miles	$568,210 64
Erie Canal division, 6.06 miles	1,670,754 58
Property damages	454,650 00
Engineering and contingencies, 10 per cent	269,361 51
Total	2,962,976 73

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Time of completion.—The time of completion will depend upon the amount of appropriations, and the operations can be made to keep progress with those upon the other portion of the route.

GENERAL REMARKS.

In presenting this report, I desire to state that I have given careful study to the subject, and have visited the most important localities, going over portions of the route on foot in order to thoroughly acquaint myself with the difficulties with which it would be necessary to contend.

The gentlemen in charge of the various routes have given their whole attention for the past four months to the subjects assigned to them, and present a large amount of interesting information.

For the data upon which we mainly based our calculations I am indebted to the reports of the canal-engineers of New York State. These gentlemen, together with the canal-commissioner in charge of the eastern division of the State canals, have given me every possible information in their power.

New surveys were made for the line of the proposed Champlain Canal; also, of the Lower Mohawk, for the connection with the Erie Canal at West Troy; of the Erie Canal from Albany to West Troy, and in the vicinity of Cohoes, and of portions of Oneida Lake. Cross-sections of the country along the route of the Oneida Ship-Canal were made between Lake Ontario and Oneida Lake, and from Durhamville to Albany. All the locks, aqueducts, culverts, weirs, bridges, &c., upon the existing routes were examined, and careful inspections made to appraise the land damages that would accrue should it be concluded to undertake the improvement upon either route.

The survey for the cross-cut from Phœnix to Oneida Lake was made by State Engineers C. A. Sweet and M. S. Kimball, to whom I am indebted for valuable information; that of the new route from Whitehall to Fort Edward, by Mr. G. T. Hall, assistant engineer; those of Oneida Lake, the Erie Canal at Cohoes and between Troy and Albany, and the Lower Mohawk between Cohoes and West Troy, by Mr. W. P. Judson, assistant engineer. The latter has also rendered valuable assistance in the preparation of the estimates and charts on all three routes.

For the estimates for improving the Hudson River the map prepared by Mr. S. McElroy, civil engineer, in 1866, was used; full reliance being placed upon the data it contained.

The subject of water-supply has been carefully considered; the data for that now furnished upon the various routes were taken from the reports of the New York State engineers, where the amount available from each feeder is given in detail. The facts presented show that for the objects in view on each route the requisite amount of water can be obtained.

In these estimates, evaporation has been taken at one-third of an inch in depth per diem. The allowance for filtration and evaporation has been determined by experiment to be two hundred cubic feet per mile per minute upon the Erie Canal, and has been deduced for the other canals from experiments on the Erie. Leakage through gates is a quantity only to be determined accurately by experiment; with the improved tumble-gates it is said to be 50 per cent. less than with the old style of miter-gates; it is only necessary to take it into account once, as, like the lockage, it passes from the higher to the lower levels, and is like a constant flow from one pool to another. It has been assumed here at 30 per cent. of the lockage, which is considered a liberal allowance when gates are properly constructed.

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In locks upon the Erie and Oneida Ship-Canals, with ten feet lift, this will average about twenty cubic feet per second, which is considered a far greater amount than should be permitted upon any well-constructed canal.

I do not feel called upon by the provisions of the law to discuss the relative advantages of these routes, nor to express an opinion as to which is the most preferable.

I have simply presented the facts as they have been found to exist upon each route, with the cost of carrying out the projects determined upon by the United States Senate Committee; all three routes are practicable, and each has its advocates and its own peculiar advantages.

The following summary of the canals as proposed, with approximate estimates of their cost, is submitted:

ERIE CANAL ROUTE.

From Buffalo to Albany.—Length, 351.78 miles; 67 locks, with a lockage of 654.8 feet; prism from Albany to Rochester, 70 feet at surface, 56 feet at bottom; depth, 8 feet; from Rochester to Buffalo, prism increases in width; locks, 225 feet long, 26 feet wide, with a depth of 7 feet on the miter-sill. Navigable for boats capable of carrying 23,000 bushels of wheat.

Approximate cost of entire improvement.....	$8,173,596 55
Approximate cost without deepening canal	6,676,231 45

ONEIDA LAKE SHIP-CANAL.

From Oswego to Albany.—Length, 200.447 miles; 67 locks, with a lockage of 608.76 feet; prism, 140 feet at surface, 120 feet at bottom; depth, 10 feet; locks, 185 feet long, 29 feet wide, with a depth of nine feet on the miter-sill. Navigable for boats capable of carrying 28,000 bushels of wheat.

Approximate cost of improvement	$25,213,857 25

CHAMPLAIN SHIP-CANAL ROUTE.

From Whitehall to Troy.—Length, canal division, 24.13 miles; river division, 39.8 miles—63.93 miles; 15 locks, with a lockage of 172 feet; canal-prism 150 feet at surface, 100 feet at bottom; depth, 13 feet; river-channel, 200 feet wide and 13 feet deep; locks, 270 feet long, 45 feet wide, with a depth of 12 feet on the miter-sill. Navigable for vessels capable of carrying 50,000 bushels of wheat.

Approximate cost of improvement	$11,152,916 35

SHIP-CANAL FROM THE HUDSON.

Above Troy to Albany.—Length, river division, 2.25 miles; canal division, 6.06 miles—8.31 miles; 3 locks, with a lockage of 35 feet; prism of canal, 150 feet wide at surface, 100 feet at bottom; depth, 13 feet; channel of river, 200 feet wide and 13 feet deep; locks, 270 feet long, 45 feet wide, with a depth of 12 feet on the miter-sill. Navigable for vessels capable of carrying 50,000 bushels of wheat.

Approximate cost of improvement	$2,962,976 74

Respectfully submitted.

JOHN M. WILSON,
Major of Engineers, Brevet-Colonel U. S. A.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

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ERIE CANAL ROUTE.

Report of Mr. Octave Blanc, assistant engineer.

OSWEGO, N. Y., *December* 10, 1874.

SIR: In compliance with your instructions of August 20, 1874, I have the honor to present herewith plans and estimates for the enlargement of one tier of the present locks of the Erie Canal, from Albany to Buffalo, except at Lockville and Lockport; also for obtaining a depth of not less than eight feet throughout its entire length, and to submit the following report:

In May, 1863, the legislature of the State of New York directed that surveys should be made of the line of the Erie Canal, between Albany and Buffalo, and plans and estimates prepared for constructing a new tier of locks alongside the present ones, for the purpose of passing gunboats from the Hudson River to Lake Erie; these locks were to be 225 feet long, 26 feet wide, with a depth of 7 feet on the miter-sill.

In compliance with this law, the work was carried out under the supervision of the State engineer of New York, and a report with elaborate plans and estimates submitted. To this report I am indebted for the most valuable information.

THE PRESENT PROJECT.

The locks of the Erie Canal at present are 110 feet long, 18 feet wide, with a depth of 7 feet on the miter-sill; for a great portion of its length, the depth is not greater than 7 feet; the maximum capacity of boats navigating it is 240 tons.

It is now proposed to construct enlarged locks throughout the whole length of the canal; to make the necessary changes incident thereto in aqueducts, culverts, and bridges; and to deepen the canal, so that, except upon mechanical structures, there shall nowhere be a less depth than eight feet.

The enlarged locks will be 225 feet long, 26 feet wide, with a depth of 7 feet on the miter-sill, and capable of passing boats of 690 tons burden. In accordance with your instructions, I have estimated for enlarging one tier of the present locks, except at Lockville and Lockport, and the connection with the Hudson River at Albany and Troy; the admirable locations selected at those places by the New York State engineers rendering it advisable to adhere to them.

The estimates are based upon the data furnished by the New York State engineers' reports, the localities having been carefully examined, the prices fixed at those now paid for labor and materials, and deductions made for such materials now in the locks as can be again used.

The opinions of all engineers with whom I have conversed coincide in approving the enlargement of one tier of the present locks, instead of constructing an entire new tier.

The New York State engineers, in determining the best principle upon which the enlargement should be based, concluded, after the most deliberate consideration, that the most advisable plan to pursue would be that of lengthening and widening one tier of the present locks. This plan, if properly carried out, could be more easily accomplished than that of an entire new tier, at less expense, with no great hinderance to navigation, and with a large saving of water, an item particularly to be considered upon the canal.

THE ERIE CANAL.

The Erie Canal navigation is divided into three reaches, the Eastern, Middle, and Western Divisions.

THE EASTERN DIVISION.

This division of the canal extends from Albany to Higginsville, N. Y., a distance of 135 miles, with 46 locks, and a lockage of $426\frac{96}{100}$ feet; it also includes the side-cut locks at Troy for entering the Hudson at that place. The original surveys, plans, and estimates for gunboat-locks upon it, were made in 1863, under the direction of Mr. D. C. Jenne, then engineer of the division, and to his report I am indebted for most of the data upon which I base these estimates, having carefully examined the various localities. It is proposed for this division to enlarge one tier of the present locks throughout its whole extent, except at Albany and West Troy; here it is found to be more favorable to enter the basins and river with locks upon new sites, and the estimates are based accordingly.

At the junction of the Erie and Champlain canals, and at the Lower and Upper Mohawk aqueducts, it becomes necessary to enlarge the canal, and some slate-rock excavation is incurred, together with the removal of several buildings.

Removal of bench-walls.

During the past few years the removal of bench-walls, and substituting therefor slope and vertical walls extending to the canal-bottom, has been carried on rapidly. These walls reduce the capacity of the canal and interfere materially with navigation

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and must all be removed. At this time, according to the report of the canal commissioners of New York for 1874, there remains upon this division, for which contracts have not been made for removal, the following:

Upon the berme bank	20.51 miles.
Upon the tow-path bank	21.69 miles.

The removal of this is provided for in estimates.

Aqueducts.

The Lower Mohawk aqueduct, 1,132 feet long, the Upper Mohawk aqueduct, 607 feet long, and the Schoharie aqueduct, 627 feet long, are only 40 feet wide at the bottom, and will have to be widened in order that boats may pass each other; some of the others are but 50 feet in width, but are short; it is not deemed advisable to enlarge them, except where it becomes necessary for boats to enter a lock, as at Fulmer's Creek and Myers's Creek aqueducts, near locks Nos. 43 and 45.

Bridges.

One new bridge at Albany, and three new change-bridges at Troy, will be necessary; the bridges in the vicinity of locks Nos. 22, 27, 30, and 46 require to be lengthened.

Culverts.

No changes will be required in the culverts now in use, except at the upper connection with the basin at West Troy, where it will be necessary to lengthen one.

Deepening canal.

Estimates have been prepared for obtaining a depth of 8 feet throughout this division, except upon mechanical structures; steam-power will, ere long, be used entirely upon the canals, and it is desirable to offer every possible facility for the rapid progress of boats.

THE MIDDLE DIVISION.

This division embraces a number of reservoirs and navigable feeders, and is the shortest division of the line of the Erie Canal. It extends from Higginsville, twelve miles west of Rome, on the long level, to the Wayne County line, a total distance of seventy-two miles, with six locks and a lockage of $50\frac{42}{100}$ feet.

Locks, bridges, and culverts.

It is proposed to enlarge the locks on the berme side throughout this division. The original estimates were made in 1864, under direction of Mr. J. P. Goodsell, then division engineer, and the data for the estimates now submitted were taken from his report, the localities having been carefully examined. Since 1864, one of the double locks, and two single ones, upon this division, have been widened to 20 feet, and loaded boats have since been passed much more rapidly. No culverts will require to be disturbed, and but one bridge, at Syracuse, will require change.

Removing bench-walls.

The bench-walls upon this division must also be all removed, and slope and vertical walls extending to the canal-bottom substituted for them. At this time there remains to be removed, according to the report of the canal commissioners for 1874, the following, for the removal of which no contracts have been made:

Upon the berme side	13.01 miles.
Upon the tow-path side	1,31 miles.

The removal of these has been provided for in these estimates.

THE WESTERN DIVISION.

This division extends from the eastern line of Wayne County, N. Y., on the Montezuma, or lowest level, to Lake Erie, a distance of $144\frac{78}{100}$ miles, with nineteen lift-locks, and a rise of $187\frac{42}{100}$ feet. There are also two guard-locks and two lift-locks connecting the canal with Niagara River.

Locks.

The original surveys, plans, and estimates for the locks proposed for passing gunboats from the Hudson River to Lake Erie, were made under the direction of Mr. C. W. Story, division engineer in 1864, and to his report I am indebted for a great portion of the data from which my estimates are made, the localities having been carefully examined previous to preparing this report.

When these surveys were made in 1864, there were only six double locks upon this division, five of which were at Lockport and the other, No. 61, at Macedon; since that time extensive operations have been in progress, and at present all the locks are either

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double or in process of being doubled. Approximate estimates are therefore presented based upon calculations for similar structures in similar localities, allowance being made for materials now in the locks.

It is proposed to enlarge, throughout the division, one of the double lift-locks, except at Lockville and Lockport.

Lockville.

Mr. Story recommends in his report that the line of the canal at Lockville be changed by making a new cut three-quarters of a mile long, and using two locks of 12 feet each, instead of the present three; this will necessitate considerable expense, but the benefit derived will more than compensate for the outlay. The new route is located north of the present canal, and avoids the curve; it has been adopted in this improvement, and the estimates based accordingly.

Lockport.

At present there is a double tier of five combined locks at Lockport, and a raceway with a culvert-feeder over the falls. The canal engineers have given this subject much thought and study, and it is deemed best not to interfere with the present flight, but to construct upon the south side a new set, overcoming the fall with three locks of $18\frac{2}{10}$ feet lift, each. This will necessitate the construction of a new race and feeder; and to obviate the damage that might accrue from the swift current upon the present inclined plane, estimates have been made for a succession of drop-over breast-walls. This plan is certainly a most admirable one, and after a careful examination of the locality, it seems impossible to offer a single suggestion as to an improvement upon it. In the construction of a new flight, room would be left for the construction of another tier, should it be found necessary in the future.

Guard-lock at Sulphur Springs.

Five miles west of Lockport, Sulphur Spring guard-lock has been constructed to prevent damage from the sudden rise of Tonawanda Creek, and to overcome the great velocity incident thereto. It is proposed to construct a new enlarged lock, to be placed in line of the present south space bulk-head.

Connections with Niagara River.

At Tonawanda, a new location, half a mile west of the present one, has been selected for the connection with Niagara River. The present ship-lock at Black Rock is 200 feet long by 37 feet wide, with a depth of from 11 to 14 feet on the miter-sill, depending upon the height of the water; it will be only necessary to lengthen it.

Bridges.

Most valuable and interesting data, in reference to bridges, are found in Mr. Story's report.

At lock No. 55 two bridges will require additional abutments and new superstructures; below lock No. 56 one abutment will require to be removed and rebuilt. Upon the new cut-off at Lockville there will be required one road-bridge, and in order to use the present canal for passing the intersection two new change-bridges, and the lengthening of the bridge at Newark, will be necessary; also, the rebuilding of an abutment, and construction of a new superstructure upon the present tow-path bridge, below the locks. The change-bridge below lock No. 61 will require lengthening. Two new iron bridges are proposed to replace the wooden one at Main street, Lockport; also a new wooden bridge over the proposed new race, and new superstructure upon the Cottage-street bridge. These localities have been examined, and show the care and ability displayed by the State engineers.

Aqueducts.

Careful survey has shown that the curve of the east end of the Rochester aqueduct is too short to pass boats of the enlarged size; provision is therefore made for widening and lengthening the curve.

Deepening the canal.

From Lockport to Black Rock, the canal has already a depth of eight feet or over; from the Wayne County line to Lockport, the depth is from 7 to $7\frac{1}{2}$ feet; estimates have been made for obtaining the required depth.

From the head of Black Rock Harbor to Buffalo, the width of the canal is only from 70 to 80 feet; through this narrow channel, nearly the whole supply for the Erie Canal, to the Montezuma level, has to be forced, and the large mills now on the pier at lower Black Rock Harbor use a great quantity of this supply.

The canal engineers of New York have given this subject careful study, and have devised a plan to remedy the difficulty.

The State engineer of New York, in his last annual report, after stating the difficulties I have mentioned, continues as follows:

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"Another serious difficulty has been the low stages of water in the lake. In August, 1871, the surface of the lake ranged from 18 to 26 inches below its usual height, and during the past season of navigation varied from 25 to 27 inches. On the recommendations of the division and resident engineers, and approval by Hon. John D. Fay, canal commissioner in charge, the canal board resolved to remedy these difficulties by changing the original work and adopting a general plan for constructing the canal through Black Rock Harbor, so as to make it independent of that harbor and the supply for the mills; in fact, by means of division-banks or cribs, to form two channels—one for the canal, the other for the mills; the channel for the former to be about 125 feet wide, and through it the water for feeding the canal will pass, the prism being deepened so as to leave navigation uninterrupted by low water in the lake."

Although this project is now being carried out by the State of New York, it was deemed best to add to this report an approximate estimate of the cost of completing it.

Cost of this project.

The total cost of the project for enlarging one tier of locks, and new structures at Lockville, Lockport, Albany and West Troy, and for obtaining a depth of not less than eight feet, except upon mechanical structures between Albany and Buffalo, is, after a careful examination of the localities and revision of all data that could be obtained, presented as follows:

ERIE CANAL.

Eastern division	$4,485,776 65
Middle division	817,269 20
Western division	2,440,274 70
Fish Creek feeder, referred to under head of "water-supply"	430,276 00
Total	8,173,596 55

ERIE CANAL WATER-SUPPLY.

The enlarged boat proposed to navigate the Erie Canal, as compared with the existing boat, has a tonnage ratio of 690 to 210, as shown by the neat formula of W. B Taylor in his Canal Report of 1864. This will give to the new boat a tonnage capacity of nearly $3\frac{28}{100}$ times greater than that of the existing boat. It is stated by the canal commissioner in his annual report for 1874, page 186, that the daily traffic on the canal near Buffalo is accomplished by the use of one hundred boats, and he asserts that this statement is nearly verified by the lockage-record at Schenectady. Therefore, one hundred boats may be safely taken as the number of the existing class of boats making daily use of the navigation. A water-supply for one hundred boats of the contemplated capacity is therefore assumed as more than sufficient for the accommodation of all existing traffic, and enough for the prospective traffic of many years to come. The number 100 also simplifies any calculations and comparisons that may be requisite for any further examination of the subject.

The navigation remains open from 214 to 240 days; has been as few as 205 and 202 days, and as many as 269 days. A fair average season is about 210 days, as obtained from the records of nearly fifty years, extending from the year 1824 to 1873. This information is taken from the Canal Commissioner's Report for 1874.

The following results have been obtained by using the foregoing information as a part of the necessary data, and they show an ample water-supply for the proposed canal enlargement, viz:

The natural divisions of the canal between Buffalo and Albany, for the purpose of showing the comparative sufficiency of supply for each, are arranged thus: (See diagram on tabular statement.)

From Buffalo to Lockport, a distance of 31 miles, is supplied by the Lake Erie head, direct. The supply being commensurate to the lake, of course this division requires no comment.

From Lockport to Rochester, about 62 miles, is a descending grade of $\frac{13}{100}$ feet per mile. The water-supply on this reach is from Lake Erie—35,000 cubic feet per minute; Oak Orchard Creek feeder, 1,400 cubic feet per minute; Genesee Canal, (through lock,) 861 cubic feet per minute; Genesee River, 350 cubic feet per minute—total, 37,611 cubic feet per minute. This abundant quantity is the supply as far as Clyde, a distance of 49 miles below Rochester, or 111 miles from Lockport. This supply being direct from Lake Erie, the use of the additional feeders between Lockport and Rochester arrests attention. It appears that their introduction is for the purpose of checking the current velocity created by the incline alluded to, and not directly for increasing the supply. The Genesee Canal quota, through lock, is an accidental increment, but it is also availed of for reducing the current-velocity created by the incline. In the Canal Commissioner's Report for 1873, page 114, it is substantially stated that the mill-owners, who have a perpetual lease of the waters passing around Lockport, frequently use this water in excess of their requirements, and as it is dis-

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charged into the canal, at times proves unfavorable to navigation by increasing the velocity.

The Montezuma level, extending from Clyde to Port Byron, a distance of twenty miles, being the lowest level between the long level and Lake Erie, and being fed from two sources, has necessarily a sufficient supply. Its surplus is delivered into the Cayuga Canal. There never was any impediment to navigation on this level.

The Port Byron and the Jordan levels extend from Port Byron to Geddes, a distance of about twenty-two miles, and are, like the long level, dependent on special feeders, which appear to be abundantly sufficient. Apprehensions have been entertained for the supply of these levels, but the surplus supply, as shown in the accompanying "tabular statement," indicates that such apprehensions are certainly groundless.

The feeders of this division are:

Owasco Lake	10,267 cubic feet per minute.
Of this the millers claim	5,612 cubic feet per minute.
Balance owned by New York State	4,655 cubic feet per minute.
Putwara Creek feeder	200 cubic feet per minute.
Nine-Mile Creek feeder	800 cubic feet per minute.
Carpenter Brook	200 cubic feet per minute.
Skaneateles Lake	8,767 cubic feet per minute.
Otisco Lake	5,145 cubic feet per minute.
Total	19,767 cubic feet per minute.

Equal to 28,464,480 cubic feet per 24 hours.

After making the usual deductions from this daily supply, there remains, over and above the requirements of navigation, a surplus of 8,500,000 cubic feet (in round numbers) per 24 hours. This is fortunate, because the whole of the rain-basin in which this subdivision of the canal is located, is already availed of for the purpose of supply, and there is no ordinary way of supplying any additional natural feed. (See chart.)

That portion of the canal *from Geddes*, embracing Syracuse and continuing *to the* west end of the *long level*, a distance of about three miles, is similar (as to situation) to the Montezuma level. It is fed from the long level on the east, and from the Jordan level on the west. These feeding levels having a large surplus, it follows that this comparatively short division will always have a sufficiency of water. On this level at Syracuse, the connection with Lake Ontario is made through the Oswego Canal.

The long level, extending easterly from the last-described division to Utica, a distance of about 55 miles, is supplied as follows, viz:

	Cubic ft. per minute for the season.
Butternut Creek, Orville feeder	500
De Ruyter, through Limestone Creek, 3,891 cubic feet per minute for 100 days Limestone Creek, 500 cubic feet per minute for 100 days	2,195
Erieville reservoir and Chittewango feeder, 2,526 cubic feet per minute for 100 days	1,263
Cazenovia Lake reservoir, 3,115 cubic feet per minute for 100 days	1,507
Cowaselor Creek feeder	320
Oneida Creek feeder	1,500
Delta feeder through Black River canal-lock	1,294
Wood Creek, at Rome	125
Mohawk feeder	11,766
Butt's Creek feeder, 2¼ miles east of Rome	1,400
Oriskany Creek feeder	4,561
Jamesville reservoir, 2,000 cubic feet per minute for 60 days	600
Total per minute	27,031

An additional supply from Fish Creek was contemplated and the project matured so far as to have plans and estimates furnished for its construction. The work, however, has not been executed. Should there, by any contingency, be an increase wanted, this feeder will give a flow of 7,400 cubic feet per minute, exclusive of filtration and evaporation. An estimate for its construction is hereto appended. It has been intimated by the canal officers that this level is subject to great disturbance during the prevalence of strong westerly winds; that under such influences oscillations to the extent of 9 inches are frequently observed, making navigation on the western end quite difficult, and sometimes grounding the boats. There is an erroneously-formed opinion as to the prospective insufficiency of water for this level. This opinion has taken form, principally, if not altogether, from incidental causes, such as some break occurring or reservoir-dam giving way, and thus temporarily intercepting the ordinary supply and caus-

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ing boats to crowd on each other in passing through the long level. These drawbacks are being remedied by a better class of structures.

The next and last water division, extending from Utica to the Hudson River, at Albany, is about 110 miles long, with 45 locks, with an aggregate descent of 423 $\frac{60}{100}$ feet, making a mean descent for each lock of 9 $\frac{415}{1000}$ feet. This reach being similar in character to that from Rochester to Clyde, (that is, all descent,) the theoretic quantity of one lockage is the assumed requirement for the carriage of one boat through all the locks.

The supply is obtained through the following feeders, viz:

Ilion Creek	800 cubic feet per minute.
Mohawk, at Little Falls	12,643 cubic feet per minute.
Rocky Rift	10,602 cubic feet per minute.
Schoharie Creek feeder	6,800 cubic feet per minute.
Rexford feeder	10,979 cubic feet per minute.
Mohawk, at Cohoes	4,570 cubic feet per minute.
Total	48,394 cubic feet per minute.

equivalent to 69,687,360 cubic feet per 24 hours.

In this approximation of the quantity of water available for navigation the size of lock is taken at 225 feet × 26 feet × the corresponding lift, or mean of several lifts, as the case may be, and this quantity only is called the lockage; the percentage for waste and leakage through the gates being considered sufficient to cover the small quantity of water comprising the sheet existing between the boat and lock-walls when a boat is entered. The amount for filtration and evaporation is taken at 200 feet per mile per minute. Where a series of locks are to be considered, the mean lift is taken, and where two lockages are wasted, as on the long level, the sum of the two lifts is used. It is further assumed that the boats may pass through the locks in the most desultory order, so that if the supply is sufficient to fulfill these conditions the most skeptical should be convinced of the completeness and sufficiency of the whole water-supply.

The accompanying tabular statement gives the supplies, filtration, and lockage-waste, net available supply, and amount needed to pass one hundred boats in twenty-four hours, together with the surplus water after accomplishing such passage, each of which results is obtained in the manner stated.

It is understood that if two boats, going in opposite directions, meet at the same lock, then one lockage will pass the two boats; and if this were uniformly the case, the quantity of water stated in "the table" as necessary to pass one hundred boats will be sufficient to pass two hundred boats.

This state of things is never realized completely, but it is of so frequent occurrence that in practice it is safe to assume that two lockages will pass three boats. On this assumption, the conclusion that the daily volume of water stated as the requirement for the passage of one hundred boats may be relied on to pass one hundred and fifty boats. Then one hundred and fifty boats, each of 690 tons, gives a daily movement of 103,500 tons, with the expenditure of water set forth in the tabular statement.

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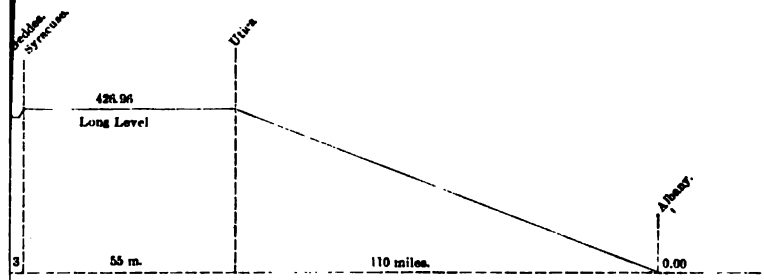

JOYCE'S PATENT PROCESS.

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Tabular statement of water-supply of Erie Canal from Buffalo to Albany.

Water divisions of the Erie Canal.	Distance in miles.	Furnished by feeders in 24 hours.	Filtration, evaporation, and leakage, in 24 hours.	Net available supply for 24 hours.	Required for 100 lockages per 24 hours.	Surplus water for 24 hours.
		Cubic feet.	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*
Buffalo to Lockport, including Lockport lockage	31	Extension of Lake Erie head.	Made up by Lake Erie.	Lake Erie head.	Not essential to consider.	Lake Erie.
Lockport to Rochester	62	54, 159, 840				
Lockport to Clyde	111	54, 159, 840	33, 547, 500	20, 612, 340	5, 265, 000	15, 347, 340
Montezuma level	20	Supply from levels both ways.	5, 760, 000			
Port Byron and Jordan levels	22	28, 464, 480	9, 480, 390	18, 984, 090	10, 481, 300	8, 507, 790
Geddes to Lodi lock, near Syracuse	3	Supply from levels both ways.	864, 000			
Long level, from near Syracuse to Utica	55	38, 924, 640	18, 209, 250	20, 715, 390	7, 897, 500	12, 817, 890
Utica to Albany	110	69, 687, 360	33, 340, 800	36, 346, 560	5, 536, 000	30, 810, 560

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GENERAL REMARKS.

Schedules, comprising estimates in detail of several of the locks, are attached to this report. The estimate for Fish Creek feeder is also appended. Amplification is avoided as much as possible, and in furtherance of the principle, the details of locks, bridges, aqueducts, culverts, section-work, and other miscellaneous structures, which would unavoidably make this report unnecessarily voluminous, are excluded.

COST OF TRANSPORTATION.

Upon the vital point of this improvement, the cost of transportation, it is noticeable that at the time the enlargement of the Erie Canal was authorized, (May 11, 1835,) the engineers who fixed the dimensions of the prism and size of the locks estimated that the enlargement would enable the carrier to reduce the cost of transportation fifty per cent. John B. Jarvis made a thorough investigation of the subject, and reduced it to a mathematical certainty. After a detailed statement, showing the progressive advance of commerce on the Erie Canal, at various periods, with the relative cost of transportation, and the cost per ton per mile, on all the canals for a series of years, State-engineer Taylor, in his report upon the enlargement for gun-boats, gives the following result, which is a marked confirmation of J. B. Jarvis's conclusions:

Cost of transportation by old boats ..... $4\frac{16}{100}$ mills per ton per mile.
Cost of transportation by existing boats ..... $2\frac{16}{100}$ mills per ton per mile.
Cost of transportation by proposed enlarged boats ..... $1\frac{4}{100}$ mills per ton per mile.

Equivalent to a reduction of 50 per cent. in the cost of transportation by enlarging the locks to 225 feet between hollow quoins, and increasing the width of chamber to 26 feet at water-line.

The boats now in use on the canal have superseded the old ones, and if the proposed enlarged locks are constructed, the large boats will in like manner supersede those now in use. Those now existing could not successfully compete with boats of over three times their tonnage. Hence, the increasing demands of commerce and the advance of improvements will render the present boats inadequate, and the requirements of navigation will call for a commensurately-sized boat.

Taking into consideration the various views expressed in the several statements I have quoted from the reports of the gentlemen who have been for many years and in many ways identified with the public works of the State of New York, and under whose directions special investigations were made in the year 1864 for the then contemplated improvement of the Erie Canal, after having made a personal inspection of the most important localities on the line, and having made a thorough revision of the several proposed plans of location for the enlarged locks and other structures; also, having given a great deal of consideration to the prevailing influences that from time to time have been directed to the improvement of this canal, it is incumbent on me to state that the proposed work should be planned with a view to a complete enlargement of all the locks and structures where required.

In most instances one of the existing double locks should be enlarged, unless a new location be adopted for improving the line of canal.

With regard to the estimates I have relied, generally, upon the data afforded by the actual surveys and measurements furnished by the State engineers in 1863 and 1864, carefully revising these data after examination of localities, and basing my prices upon those now paid for labor and materials. I have been associated with these State engineers for a number of years on the public works of that State, and should my opinion have any weight in this regard, I have no hesitation in saying that they are men of experience in their profession, whose statements are perfectly reliable.

The estimates are made for locks and all other stone structures, built of well-dressed limestone, laid in hydraulic cement, and I should recommend, each work of its class, to be constructed of the best materials and workmanship.

A work of such importance should be carried out in the most substantial manner, and there should be as little resort as possible to the use of wood for the principal aqueducts and bridges connected with this project.

In closing these remarks, I would consider my task unfinished should I not give Mr. Martin King, assistant engineer, due credit for the valuable assistance I have received from him, and particularly for the "Statement of Water-Supply," and for preparing the chart, plans, and other drawings accompanying this report.

Very respectfully, your obedient servant,

OCTAVE BLANC,
Assistant Engineer.

Maj. JOHN M. WILSON,
Corps of Engineers, Brevet Colonel, U. S. A.

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EASTERN DIVISION.

Detailed estimate for enlarging one of the present locks.

Items.	Lock No. 6, 10 feet lift.		
	Quantity.	Price.	Amount.
Grubbing and clearing			$200 00
Bailing and draining			2,000 00
Excavation of earth ... cubic yards	4,900	$0 28	1,372 00
Excavation of old lock-walls ... do	1,263	1 50	1,894 50
Embankment ... do	3,000	28	840 00
Lining ... do	1,550	50	775 00
Puddling of earth ... do	400	30	120 00
Loose stones ... do	90	1 50	135 00
Vertical wall, in cement ... do	120	6 00	720 00
Vertical wall, dry ... do	70	3 00	210 00
Masonry in lock-walls ... do	2,833	13 00	36,829 00
Concrete masonry ... do	300	5 00	1,500 00
White-oak timber, &c ... feet, board-measure	34,000	60 00	2,040 00
White-pine timber ... do	16,500	45 00	742 50
Hemlock timber ... do	124,700	20 00	2,494 00
Bearing-piles ... linear feet	12,700	15	1,905 00
Bearing-piles, driven ... do	10,000	10	1,000 00
Wrought iron ... pounds	16,400	12	1,968 00
Cast iron ... do	11,850	8	948 00
Spikes and nails ... do	4,000	6	240 00
Sulphur and sand cement ... per lock	1	100 00	100 00
Painting lock-gates	1	30 00	30 00
Saubbing-posts ... linear feet	100	60	60 00
			58,123 00
Deduct stone furnished ... cubic yards	840	6 00	5,040 00
			53,083 00

Items.	Lock No. 38, 9⅛ feet lift.		
	Quantity.	Price.	Amount.
Grubbing and clearing	1	$200 00	$200 00
Bailing and draining	1	2,500 00	2,500 00
Excavation of old lock-walls ... cubic yards	1,278	1 50	1,917 00
Excavation of blasted rock ... do	9,100	1 00	9,100 00
Embankment ... do	2,800	28	784 00
Lining ... do	1,600	50	800 00
Puddling of earth ... do	370	30	111 00
Slope-wall and pavement ... do	30	2 00	60 00
Loose stone ... do	90	1 50	135 00
Vertical wall in cement ... do	120	6 00	720 00
Vertical wall, dry ... do	290	3 00	870 00
Masonry in lock-walls ... do	2,743	13 00	35,659 00
Concrete masonry ... do	300	5 00	1,500 00
White-oak timber, &c ... feet, board-measure	36,000	60 00	2,160 00
White pine ... do	16,400	45 00	738 00
Hemlock timber ... do	121,000	20 00	2,420 00
Wrought iron ... pounds	16,100	12	1,932 00
Cast iron ... do	11,850	8	948 00
Spikes and nails ... do	4,000	6	240 00
Sulphur and sand cement ... per lock	1	100 00	100 00
Painting lock-gates ... do	1	30 00	30 00
Saubbing posts ... linear feet	100	60	60 00
			62,984 00
Deduct stone furnished ... cubic yards	860	6 00	5,160 00
			57,824 00

Summary estimate, eastern division.

Lock No. 1, 15½ feet lift	$100,432 00
Lock No. 2, 9⅛ feet lift	68,402 30
Lock No. 3, 11¼ feet lift	61,026 00
Lock No. 4, 11¼ feet lift	60,425 00
Lock No. 5, 10⅝ feet lift	52,964 00
Lock No. 6, 10 feet lift	53,083 00
Lock No. 7, 10 feet lift	53,191 50
Lock No. 8, 10 feet lift	56,617 00

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Lock No. 9, 10 feet lift	$59,320 00	
Lock No. 10, 10 feet lift	53,159 00	
Lock No. 11, 10 feet lift	55,763 00	
Lock No. 12, 10 feet lift	57,079 00	
Lock No. 13, 10 feet lift	51,560 00	
Lock No. 14, 10 feet lift	50,021 00	
Lock No. 15, 10 feet lift	52,662 50	
Lock No. 16, 10 feet lift	55,922 00	
Lock No. 17, 10 feet lift	52,798 50	
Lock No. 18, 10½ feet lift	61,068 50	
Lock No. 19, 8½ feet lift	47,170 50	
Lock No 20 10 feet lift	54,471 25	
Lock No. 21, 11½ feet lift	59,810 75	
Lock No. 22, 11½ feet lift	54,176 00	
Lock No. 23, 8 feet lift	51,306 00	
Lock No. 24, 8 feet lift	50,212 75	
Lock No. 25, 8 feet lift	50,698 00	
Lock No. 26, 8 feet lift	49,767 00	
Lock No. 27, 8 feet lift	46,521 50	
Lock No. 28, 8 feet lift	50,644 50	
Lock No. 29, 7½ feet lift	42,585 00	
Lock No. 30, 10½ feet lift	51,689 50	
Lock No. 31, 6 feet lift	43,915 00	
Lock No. 32, 8 feet lift	47,995 00	
Lock No. 33, 6 feet lift	43,052 50	
Lock No. 34, 8 feet lift	47,674 00	
		$1,847,1[illegible]3 55
Lock No. 35, 8 feet lift	47,429 50	
Lock No. 36, 10 feet lift	50,003 50	
Lock No. 37, 10 feet lift	61,798 00	
Lock No. 38, 9½ feet lift	57,824 00	
Lock No. 39, 10½ feet lift	57,449 00	
Lock No. 40, 8 feet lift	46,308 00	
Lock No. 41, 8 feet lift	45,521 00	
Lock No. 42, 8 feet lift	51,118 50	
Lock No. 43, 8 feet lift	51,110 50	
Lock No. 44, 10½ feet lift	54,945 50	
Lock No. 45, 10½ feet lift	52,836 75	
Lock No. 46, 3 feet lift	42,015 50	
Upper lock at West Troy, 11 feet lift	82,163 50	
Lower lock at West Troy, 13 feet lift	92,664 00	
		2,640,370 [illegible]0
Enlarged aqueducts:		
Schoharie aqueduct	32,726 00	
Pulmer's Creek aqueduct	7,082 00	
Myers' Creek aqueduct	8,240 00	
Lower Mohawk aqueduct	60,215 00	
Upper Mohawk aqueduct	30,815 00	
		139,078 0[illegible]
Bridges:		
Bridge over lock No. 1	8,134 50	
Bridge at foot lock No. 22	3,021 50	
Bridge at foot lock No. 27	1,974 75	
Bridge at foot lock No. 30	5,830 00	
Bridge at foot lock No. 46	2,743 00	
Change-bridge head of upper side-cut lock	3,909 00	
Change-bridge head of lower side-cut lock	3,377 50	
Change-bridge foot of lower side-cut lock	2,243 00	
		31,233 2[illegible]
Culverts:		
Lengthening culverts	1,599 00	
		1,599 0[illegible]
Removal of bench-walls:		
Excavation of earth, slope-wall, and slope-wall rebuilt	552,000 00	
Enlarging canal at various points	9,925 00	
		561,925 0[illegible]
Deepening canal one foot	626,500 00	
		626,500 0[illegible]
		4,000,706 0[illegible]

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Summary estimate for enlarging one of the present locks, eastern division.

Locks Nos. 1 to 46, inclusive, and two locks at West Troy	$2,640,370 80	
Enlarging aqueducts	139,078 00	
Bridges	31,233 25	
Culverts	1,599 00	
Removal of bench-walls, &c	552,000 00	
Enlarging canal at various points	9,925 00	
Deepening canal one foot	626,500 00	
		$4,000,706 05
Add ten per cent. for engineering and contingencies	400,070 60	
Land damages and removal of buildings	85,000 00	
		485,070 00
		4,485,776 65

MIDDLE DIVISION.

Estimates for enlarging one of the present locks.

Lock No. 47, 10½ feet lift	$66,927 00	
Lock No. 48, 10½ feet lift	64,849 00	
Lock No. 49, 6 feet lift	55,546 00	
Lock No. 50, 6½ feet lift	55,595 00	
Lock No. 51, 5½ feet lift	53,571 00	
Lock No. 52, 11 feet lift	71,000 00	
		$367,488 00
Removing bench-walls	158,000 00	
Bridge at lock No. 49	7,343 00	
Deepening canal one foot	210,141 00	
		375,484 00
		742,972 00
Add ten per cent. for engineering and con ingencies		74,297 20
		817,269 20

WESTERN DIVISION.

Detailed estimate for enlarging one of present locks.

Items.	Lock No. 61, 7 feet lift.		
	Quantity.	Price.	Amount.
Grubbing and clearing			$100 00
Bailing and draining			3,000 00
Earth-excavation ... cubic yards	9,000	$0 28	2,520 00
Rock-excavation ... do	700	1 00	700 00
Excavation of old lock-walls ... do	1,250	1 50	1,875 00
Embankment ... do	2,000	28	560 00
Puddling ... do	2,200	30	660 00
Lining ... do	1,200	50	600 00
Slope-wall ... do	250	2 00	500 00
Rubble-wall in cement ... do	200	6 00	1,200 00
Loose stone ... do	400	1 50	600 00
Masonry in lock-walls ... do	2,320	13 00	30,160 00
Concrete ... do	300	5 00	1,500 00
Oak ... feet board-measure	31,200	60 00	1,872 00
Pine ... do	12,000	45 00	540 00
Hemlock ... do	94,000	20 00	1,880 00
Wrought iron ... pounds	11,400	12	1,368 00
Cast iron ... do	7,900	8	632 00
Spike ... do	3,000	6	180 00
Sulphur, sand, and cement ... per lock	1		100 00
Painting lock-gates ... do	1		30 00
Snubbing-posts ... linear feet	100	60	60 00
			50,637 00
Less 870 cubic yards stone in locks, at $6 per cubic yard			5,220 00
			45,417 00

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Detailed estimate of combined locks at Lockport.

Items.		Two combined locks on new line at Lockville, each 12 feet lift.		
		Quantity.	Price.	Amount.
Grubbing and clearing		.....	$100 00	$100 00
Bailing and draining		.....	2,000 00	2,000 00
Earth-excavation	cubic yards	71,000	28	19,880 00
Embankment	do	40,000	28	11,200 00
Lining	do	12,000	50	6,000 00
Puddling	do	12,000	30	3,600 00
Slope-wall	do	3,700	2 00	7,400 00
Loose stone	do	400	1 50	600 00
Pavement of quarried stones, grouted	do	320	3 00	960 00
Rubble-wall in cement	do	900	6 00	5,400 00
Masonry in lock-walls	do	7,840	13 00	101,920 00
Masonry in culverts and wells	do	800	13 00	10,400 00
Concrete masonry	do	600	5 00	3,000 00
White-oak timber	feet, board-measure	62,000	60 00	3,720 00
White-pine timber	do	39,000	45 00	1,755 00
Hemlock timber	do	473,000	20 00	9,460 00
Wrought iron	pounds	19,000	12 00	2,280 00
Cast iron	do	16,400	8	1,312 00
Spikes and nails	do	8,000	6	480 00
Lead	do	400	12	48 00
Painting	per structure	.....	60 00	60 00
Sulphur and sand cement	do	.....	200 00	200 00
Snubbing-posts	linear feet	200	60	120 00
Total		.....	.....	191,895 00

Detailed estimate of combined locks at Lockville.

Items.		Three combined locks, Nos. 57–7[illegible] each 18 6-10 feet lift. at Lockport		
		Quantity.	Price.	Amount.
Grubbing and clearing		.....	$450 00	$450 0[illegible]
Bailing and draining		.....	5,000 00	5,000 0[illegible]
Earth-excavation	cubic yards	25,000	28	7,000 0[illegible]
Rock-excavation	do	30,000	1 00	30,000 0[illegible]
Excavation of old cement walls	do	2,000	1 50	3,000 0[illegible]
Embankment	do	8,000	28	2,240 0[illegible]
Puddling	do	4,000	30	1,200 0[illegible]
Lining	do	4,000	50	2,000 0[illegible]
Loose stone	do	1,000	1 50	1,500 0[illegible]
Pavement of quarried stone, grouted	do	200	3 00	600 0[illegible]
Rubble-wall, laid dry	do	1,200	3 00	3,600 0[illegible]
Rubble-wall, in cement	do	740	6 00	4,440 0[illegible]
Masonry in lock-walls	do	20,700	13 00	269,100 0[illegible]
Masonry in concrete	do	1,500	5 00	7,500 0[illegible]
White-oak timber	feet, board-measure	80,000	60 00	4,800 0[illegible]
White-pine timber	do	50,000	45 00	2,250 0[illegible]
Hemlock timber	do	500,000	20 00	10,000 0[illegible]
Wrought iron	pounds	31,000	12	3,720 0[illegible]
Cast iron	do	28,000	8	2,240 0[illegible]
Spikes and nails	do	15,000	6	900 0[illegible]
Lead	do	1,800	12	216 0[illegible]
Painting	per structure	.....	100 00	100 0[illegible]
Sulphur and sand cement	do	.....	150 00	150 0[illegible]
Bearing and protecting piles	linear feet	21,000	25	5,250 0[illegible]
Snubbing-posts, (stone)	do	300	1 50	450 0[illegible]
Iron railing	do	580	7 00	4,060 0[illegible]
Total		.....	.....	371,76[illegible]

Estimate for enlarging present locks, and constructing new tier at Lockport and cut-off [illegible] Lockville.

Lock No. 53, 5 feet lift	$56,109 00
Lock No. 54, 7½ feet lift	58,002 00
Lock No. 55, 6 feet lift	58,593 00
Lock No. 56, 10 feet lift	66,982 00
Locks No. 57–59, 2 locks, each 12 feet lift	191,895 00
Lock No. 60, 10 feet lift	67,482 00
Lock No. 61, 7 feet lift	45,417 00

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Lock No. 62, 9 feet lift	$53,475 00	
Lock No. 63, 9 feet lift	51,226 00	
Lock No. 64, 10 feet lift	65,598 00	
Lock No. 65, 10 feet lift	61,451 00	
Lock No. 66, 9 feet lift	64,288 00	
Locks No. 67–71, 3 combined, each $18\frac{6}{10}$ feet lift	371,766 00	
Sulphur-spring guard-lock	48,627 00	
River-lock, at Tonawanda	80,411 00	
Black Rock guard-lock	53,145 00	
Ship-lock at Black Rock	19,386 00	
		$1,413,853 00
New culvert at Lockville, and culvert and race at Lockport	50,579 00	
Enlarging aqueduct	62,945 00	
Bridges	58,000 00	
New tow-paths	13,000 00	
		184,524 00
Deepening canal from Wayne County line to Lockport, and improving channel between Black Rock and Buffalo	424,600 00	
		424,600 00
		2,122,977 00

SUMMARY OF WESTERN DIVISION.

Enlarging one tier of present locks and new locks at Lockport and Lockville.

Locks	$1,413,853 00	
Culverts and race	50,579 00	
Aqueducts	62,945 00	
Bridges	58,000 00	
Tow-paths	13,000 00	
Deepening canal from Wayne County line to Lockport, and improving channel between Black Rock and Buffalo	524,600 00	
		$2,122,977 00
Add 10 per cent. for engineering and contingencies	212,297 70	
Land damages and removal of buildings	105,000 00	
		317,297 70
		2,440,274 70

EASTERN DIVISION.

Detailed estimate of Fish Creek feeder, Erie Canal.

Items.	Quantities.	Price.	Amount.	Total amount.
Section work.				
Grubbing and clearing ... miles	11	$400 00	$4,400 00	
Building and draining ... do	11	100 00	1,100 00	
Excavation of earth ... cubic yards	920,000	20	184,000 00	
Excavation of rock ... do	1,000	1 00	1,000 00	
Embankment ... do	610,000	25	152,500 00	
Puddling ... do	5,000	50	2,500 00	
Puddling earth ... do	3,000	30	900 00	
Stone-wall ... do	2,000	2 00	4,000 00	
Vertical wall in cement ... do	200	5 00	1,000 00	
Vertical wall, dry ... do	800	3 00	2,400 00	
Hemlock timber ... feet, board-measure	20,000	20 00	400 00	
				$354,200 00
Mechanical structures.				
Box-culverts	9	1,620 00	14,580 00	
Extension of railroad-culvert			5,857 00	
Railroad-viaduct			939 00	
Culvert at Station 386			2,250 00	
East Branch aqueduct			19,500 00	
Wood Creek aqueduct			7,500 00	
Canada Creek aqueduct			4,500 00	
Dam across West Branch			7,500 00	
Dam across East Branch			3,750 00	
Culvert at Beaver Creek			2,700 00	
Bridges	25	202 00	5,050 00	
Drop into canal			19,500 00	
				76,076 00
Total				430,276 00

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GENERAL SUMMARY.

Estimate for enlarging one tier of present locks with new locks at Lockport and Lockville, and deepening canal one foot.

Eastern division	$4,485,776 65
Middle division	817,269 20
Western division	2,440,274 70
Fish Creek feeder	430,276 00
Total	8,173,596 55

ONEIDA SHIP-CANAL ROUTE.

Report of James S. Lawrence, assistant engineer.

UNITED STATES ENGINEER OFFICE,
Oswego, N. Y., December 20, 1874.

COLONEL: In accordance with instructions contained in your letters of the 3d and 7th of August last, directing me to make a reconnaissance of the line of the proposed Oneida ship-canal, and to prepare an estimate of the cost of its construction, I have the honor to submit the following report, with estimates for the same:

REPORT.

The greater portions of the months of August and September were employed in making examinations of the route and obtaining data for an estimate for the construction of the Oneida ship-canal.

I obtained much valuable information at the office of the State engineer at Albany, and also from the division and resident engineers at Syracuse and Fulton; but after the expenditure of much time in the search for information I found it necessary to put parties into the field to make measurements and cross-sections along the Oswego and Erie canals, without which I could not have made a reliable estimate of the cost of the work For that portion of the line from Oswego to Oneida Lake, Mr. M. S. Kimball, of Fulton, the resident engineer in charge of the Oswego Canal, supplied me with valuable information, maps, profiles, and papers.

For that portion of the Erie Canal between Durhamville and Albany and the Oneida Canal, now under construction from Durhamville to Oneida Lake, much valuable information, together with plans, maps, and profiles, was obtained from the offices of the division engineer at Syracuse and the State engineer at Albany.

I am also indebted to Mr. Martin King, assistant engineer, for his valuable assistance in the preparation of that part of estimate relating to the water-supply, calculations of quantities in the enlargements of aqueducts, and for the making of maps and plans accompanying this report.

To Mr. W. P. Judson, assistant engineer, I am also indebted for valuable assistance in making surveys of the canal at Cohoes and Albany, and estimates of the work to be done at those places; also for the calculations of quantities required in the enlargement and rebuilding of culverts, waste-weirs, &c.

Valuable information has been obtained from the State engineer's annual reports, especially that of 1864, on the enlargement of the locks and canals for the passage of gunboats.

The distance from Oswego to Albany by the shortest line is 200.447 miles. By taking the Oswego and Oneida River line a saving of about a million dollars may be made, but the distance would be increased to 207.935 miles. The shortest line is therefore recommended.

The prism of the proposed canal is 140 feet at the surface of water, 120 feet at the bottom, and 10 feet deep.

The locks are 185 feet long, 29 feet wide, and 9 feet of water on the miter-sill.

	Feet.
The ascent from Lake Ontario (Oswego) to the summit-level at Durhamville is	181.81
Descent from Durhamville to Albany	426.96
Total lockage, ascending and descending	608.77

The canal is to be constructed on the line of the Oswego Canal and slackwater navigation by widening and deepening the canal to the required dimensions and dredging and improving the reaches of slackwater navigation to Brandy Brook Culvert, one half mile below Phœnix and 20.5 miles from Oswego.

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From Brandy Brook Culvert a short cut is taken to a bend in the Oneida River, at Peter Scott's swamp, a distance of 2.763 miles; from thence along the Oneida River, for a distance of 8.005 miles, (which is to be dredged and improved where required,) to a point near the mouth of Black Creek; thence by another short-cut line, 2.125 miles, to a point in the Oneida River, near Brewerton; and from thence along the river to Oneida Lake, a distance of 1.253 miles.

From Brewerton the navigation will be continued through the Oneida Lake, 21.339 miles, to the Oneida Canal, (which will be enlarged to the size required,) a distance of 5.092 miles, to its junction with the Erie Canal, at Durhamville, 61.067 miles from Oswego.

Durhamville, at the junction of the Oneida and Erie canals, is situated nearly midway of the Rome, or long level, which will be the summit-level of the proposed Oneida ship-canal.

From Durhamville to Little Falls the enlargement can be made at a moderate outlay, there being no difficult or costly work to be done; but at Little Falls much expensive work occurs, involving the removal of a large amount of solid work to obtain the required width of canal.

From Little Falls to the Upper Mohawk aqueduct the work is of the ordinary kind, and not of an expensive character; but at the lower end of the aqueduct, and near locks 22 and 23, heavy rock-cutting occurs, and continues for a considerable distance eastward.

A large amount of slope-wall will be necessary to protect the embankment from the wash of the Mohawk River, between the Upper and Lower Mohawk aqueducts; and a large amount of slate-rock must be removed in widening and deepening the canal.

At Cohoes slate-rock occurs, and a large amount must be removed to give the necessary width of canal at this place.

From Troy to Albany more slate-rock occurs, and a large amount must be removed.

A large amount of vertical wall must be built, and a channel dredged through the Albany Basin to lock No. 1.

LOCKS.

The locks are to be built in the best manner, of cut stone, and similar to the best-built locks on the Erie Canal.

AQUEDUCTS.

The Schoharie Creek aqueduct and Upper and Lower Mohawk aqueducts will be enlarged to 70 feet width of water-way, the piers and abutments extended, and an entire new trunk built for each. The smaller aqueducts will be enlarged to the width of the canal, the piers and abutments extended, and an entire new trunk built for each.

BRIDGES.

One new abutment is estimated for each bridge, and new superstructure for all, as the length of the new ones will be twice that of the present ones.

CULVERTS.

When the arch of a culvert is three feet or more below the present canal, it will be extended to the required length for the new canal, but where the crown of the arch would be above the bottom it will be taken down and rebuilt of the required size.

WASTE-WEIRS

Will be rebuilt, and the valves and iron-work used in the new structures, when found to be suitable.

VERTICAL AND SLOPE WALL.

Vertical wall will be built through cities and villages, and slope-wall on all other portions of the canal, except through rock-cuttings, where no protection to the sides of the canal will be required.

FISH CREEK FEEDER.

The quantities upon which this feeder is estimated were taken from the report of the New York State engineer for 1864.

WATER-SUPPLY.

In making this estimate, one hundred lockages per day have been determined on as sufficient for the present and prospective trade for some years to come, and it is generally admitted that in the ordinary course of trade two lockages will pass three boats.

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Provision will therefore be made for the passage each day of 150 boats, each boat having a capacity of 28,000 bushels of wheat when towed, and 25,000 bushels in boats or barges when propelled by steam; and should the increase of trade on this canal demand it there is ample means for an enlarged supply of water for its accommodation.

Commencing with the long level of the Erie Canal, between locks No. 46, at Utica, and lock No. 47, at Syracuse, which is 55.72 miles long, and will when the prism of that portion between Durhamville and Utica is enlarged, contain 263,316,900 cubic feet of water, and will require 5.311 days to fill it, the supply for which will be obtained from the following feeders:

FEEDERS.

	Cubic feet per minute.
Butternut Creek, by the Orville feeder	500
De Ruyter reservoir, through Limestone Creek, 38,891 cubic feet per minute for 100 days; Limestone Creek, separate, 500 cubic feet per minute for 100 days; for the season	2,195
Erieville reservoir, 2,130 cubic feet per minute, for 100 days; Chittenango feeder, 250 cubic feet per minute for 100 days; for the season	1,263
Cazenovia Lake reservoir, 3,115 for 100 days; for the season	1,507
Corvasselon Creek feeder	320
Oneida Creek feeder	1,500
Delta feeder, through Black River Canal	1,294
Wood Creek, at Rome	125
Mohawk feeder	11,766
Butt's Creek feeder, 2¼ miles east of Rome	1,400
Oriskany Creek feeder	4,561
Jamesville reservoir, for 60 days, 2,000 cubic feet per season	600
Being 38,924,640 cubic feet in 24 hours	27,031
Proposed Fish Creek feeder	7,400
	34,431

Being 49,580,640 cubic feet in 24 hours.

Summit-level between Syracuse and Utica.

The locks at the ends of the long level have a lift of 11 feet and 3 feet respectively.

	Cubic feet.
The lockage, therefore, for 100 boats per day, is 185′×29′×14′	7,511,000
Leakage, estimated at 30 per cent of lockage	2,253,300
Filtration and evaporation on the enlarged canal: From Utica to Durhamville is 29.82 miles, and from Durhamville to Oneida Lake 5.08 miles, equal to 34.09 miles, at 380 cubic feet per mile per minute	19,097,280
For Durhamville to Syracuse, being that portion of the long level which is not to be enlarged, 26.62 miles×200 cubic feet per mile per minute	7,666,560
Leakage and waste at two aqueducts	164,800
Total daily supply required	36,692,940
Total daily supply of water	49,580,640
Total daily supply required	36,692,940
Surplus, daily	12,887,700

From lock 46, at Utica, to lock 34, east of Little Falls, a distance of 31.03 miles, the canal is supplied by two feeders, and the lockage and leakage from the summit-level at Utica, as follows:

			Cubic feet.
One-half of the surplus from the summit-level for 24 hours			6,443,850
From one hundred lockages, 185×29×3=1,609,500		for 24 hours	2,092,350
Leakage of locks, 30 per cent	482,850		
Ilion feeder	800	13,443 cubic feet per minute	19,357,920
Mohawk feeder, at Little Falls	12,643		
Total daily supply			27,894,120

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		Cubic feet.
The water required for this portion of the canal is for one hundred lockages, 185×29×9, equals	4,828,500	6,277,050
Leakage of locks, 30 per cent	1,448,550	
Filtration and evaporation, 31.03 miles × 380 cubic feet per mile per minute		16,979,616
Leakage and waste at five aqueducts		276,000
Total required		23,532,666
Total daily supply		27,894,120
Total daily supply required		23,532,666
Surplus		4,361,454

From lock 34, east of Little Falls, to lock 28, east of Schoharie-Creek feeder, 30.47 miles, the supply is—

		Cubic feet per day.
Lockage and leakage from the upper level		6,277,050
Surplus water from the upper level		4,361,454
Rocky-Rift feeder	10,602	25,058,880
Schoharie-Creek feeder	6,800	17,402 cubic feet per minute
Total daily supply		35,697,384

		Cubic feet per day.
Required for one hundred lockages, 185×29×10½ =	5,633,250	7,323,225 per day
Leakage of locks, 30 per cent	1,689,975	
Filtration and evaporation, 30.47 miles × 380 cubic feet per mile per minute		16,673,184
Leakage and waste at five aqueducts		968,800
Total required		24,965,209
Total daily supply		35,697,384
Total daily supply required		24,965,209
Surplus		10,732,175

From lock 28, east of Schoharie Creek feeder, to lock 19, 29.817 miles, the supply is:

		Cubic feet per day.
Lockage and leakage from the upper level		7,323,225
Surplus water from the upper level		10,732,175
Rexford feeder, 10,979 cubic feet per minute		15,809,760
Total daily supply		33,865,160
Required for 100 lockages, 185×29×11½=	6,169,750	8,020,675
Leakage of locks, 30 per cent	1,850,925	
Filtration and evaporation, 29.817 miles × 380 c. f. per mile per minute		16,315,862
Leakage and waste at 4 aqueducts		736,000
		25,072,537
Total daily supply		33,865,160
Total daily supply required		25,072,537
Surplus		8,792,623

From lock 19, west of Cohoes, to lock 3, at Troy, 12.162 miles, the supply is:

Lockage and leakage from the upper level	8,020,675
Surplus water from the upper level	8,792,623
Total daily supply	16,813,298

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	Cubic feet per day.
Required for 100 lockages, 185×29×11¼= 6,035,625 } Leakage of locks, 30 per cent ..... 1,810,687 }	7,846,312
Filtration and evaporation, 12.162 miles × 380 c. f. per mile per minute ..	6,655,046
Leakage and waste at one aqueduct	904,000
Total required	15,405,358
Total daily supply	16,813,298
Total daily supply required	15,405,358
Surplus	1,407,940

From lock 3, West Troy, to lock 1, at Albany Basin, 6.487 miles, the supply is:

Lockage and leakage from the upper level	7,846,312
Surplus water from the upper level	1,407,940
From the Mohawk River, by the Champlain Canal, at its junction with the Erie Canal, 6,570 cubic feet per minute	9,460,800
Total daily supply	18,715,052
Required for 100 lockages, 185×29×15½= 8,315,750 } Leakage 30 per cent ..... 2,494,725 }	10,810,475
Filtration and evaporation, 6.487 miles × 380 c. f. per mile per minute...	3,549,686
Total required	14,360,161
Total daily supply	18,715,052
Total daily supply required	14,360,161
Surplus	4,354,891

Daily water supply and demand from Durhamville to Albany.

	Supply.	Demand.	Surplus.
Summit-level to Utica, lock 46	49,580,640	36,692,940	12,887,700
From Utica, lock 46, to lock 34	27,894,120	23,532,666	4,361,454
From lock 34 to lock 28	35,697,384	24,965,209	10,732,175
From lock 28 to lock 19	33,865,160	25,072,537	8,792,623
From lock 19 to lock 3	16,813,298	15,405,358	1,407,940
From lock 3 to lock 1, Albany	18,715,052	14,360,161	4,354,891

ESTIMATED COST OF THE ONEIDA SHIP-CANAL.

From Oswego to Durhamville by the river line.

For excavation of earth and rock, embankment, slope and vertical wall, culverts, bridges, aqueducts, waste-weirs, and towing-paths	$2,357,559 50	
Locks on the Oswego Canal, Oneida River, and Oneida Canal	1,741,611 00	
	4,099,210 50	
Ten per cent. for engineering and contingencies	409,921 05	
Land damages	452,320 50	
		$4,961,452 05

From Durhamville to Albany.

Excavation of earth and rock, embankment, slope and vertical wall, culverts, bridges, aqueducts, waste-weirs, and towing-paths	12,203,607 00	
Locks, including side-cut locks at Troy	3,078,668 00	
Protection-walls on the Mohawk River	183,309 00	
	15,465,584 00	
Ten per cent. for engineering and contingencies	1,546,558 40	
Fish Creek feeder	430,276 00	
Land damages	1,847,842 00	
		19,290,260 40
		24,251,712 45

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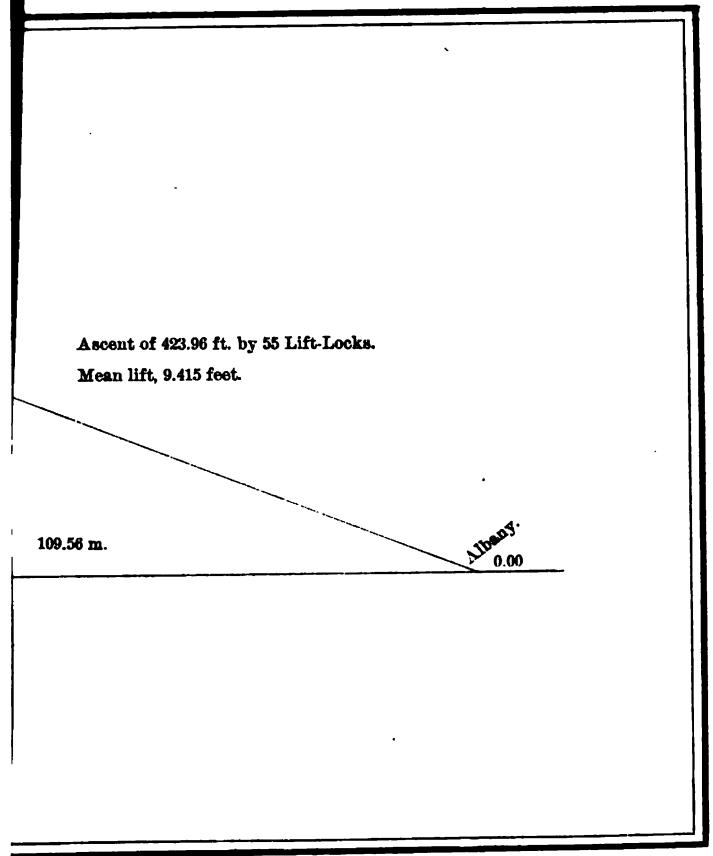

JOYLE'S PATENT PROCESS.

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ESTIMATED COST OF THE ONEIDA SHIP-CANAL.

From Oswego to Durhamville by the cross-cut line.

For excavation of earth and rock, embankment, slope and vertical wall, culverts, bridges, aqueducts, waste-weirs, and towing-paths	$3,282,257 50	
Locks on the Oswego Canal, Oneida River, and the Oneida Canal	1,741,611 00	
	5,023,868 50	
Ten per cent. for engineering and contingencies	502,386 85	
Land damages	397,341 50	
		$5,923,596 85

From Durhamville to Albany.

Excavation of earth and rock, embankment, slope and vertical wall, culverts, bridges, aqueducts, waste-weirs, and towing-paths	12,203,607 00	
Locks, including side-cut locks at Troy	3,078,668 00	
Protection-wall on the Mohawk River	183,309 00	
	15,465,584 00	
Ten per cent. for engineering and contingencies	1,546,558 40	
Fish Creek feeder	430,276 00	
Land damages	1,847,842 00	
		19,290,260 40
		25,213,857 25

	Distance in miles.	Total water supply for 24 hours.	Filtration and evaporation for 24 hours.	Lockage for 100 boats for 24 hours.	Lockage and waste for 24 hours.	Navigation requirements for 24 hours.	Surplus in cubic feet for 24 hours.
		Cubic feet.	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*
Syracuse to Durhamville	26. 62	.....	.....	.....	.....	.....	.....
Durhamville to Utica	29. 811	49, 580, 640	26, 763, 840	7, 511, 006	2, 418, 100	36, 692, 940	12, 887, 700
Lock 46 to lock 34	31. 030	27, 894, 120	16, 979 616	4, 828, 500	1, 724, 550	23, 532, 660	4, 361, 454
Lock 34 to lock 28	30 471	35, 697, 384	16, 673, 184	5, 633, 250	2, 658, 775	24, 965, 209	10, 732, 175
Lock 28 to lock 19	29. 627	33, 865, 160	16, 315, 862	6, 169, 750	2, 586, 925	25, 072, 537	8, 792, 623
Lock 19 to lock 3	12. 162	16, 813, 398	6, 655, 046	6, 035, 625	2, 714, 687	15, 405, 358	1, 407, 940
Lock 3 to lock 1	6. 279	18, 715, 052	3, 549, 686	8, 315, 750	2 494, 725	14, 360, 161	4, 354, 891
Oneida Lake, Oneida River, and Oswego Canal	61. 067	Abundant	.....	.....	.....	.....	.....

By reference to the tabular statement it will be seen that the smaller surpluses of water occur between locks 46 at Utica and 34 east of Little Falls, and lock 19 west of Cohoes and lock 3 at West Troy.

As the proposed canal will be 3 feet deeper than the Erie Canal, the quantity may be increased by widening and deepening the present feeders, or by the construction of one or more of those proposed by Mr. C. A. Olmsted, civil engineer, in his report to the canal commissioners in 1871, and shown on the map of feeders and reservoirs attached to his report, a copy of which is herewith sent.

The quantity of water required for lockage is estimated on the capacity of each lock, and no allowance made for displacement of water by the boat when in the locks; there will be a saving of lockage-water in proportion to the draught of the boat, the heaviest laden boat requiring the smallest amount of water.

Only one-half of the supply of water to the summit-level being used eastward, there remains for the trade westward and by the Oneida Canal to the lake 6,443,850 cubic feet per day, after providing for one hundred lockages per day, loss by leakage, evaporation and filtration on the summit-level, and the canal to Oneida Lake, thus showing that an abundant supply may be obtained for the enlarged canal by adding to the present supply the quantity to be obtained from the Fish Creek feeder, which is provided for in this estimate. A map of the country around Fish Creek, showing the location of the feeder, will accompany this report.

Referring again to the report and map of Mr. C. A. Olmsted, civil engineer, it will be seen that additional supplies for the summit-level may be obtained at a moderate outlay, when the increase of trade shall require them.

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The Oswego River portion of the route is abundantly supplied, as it receives the water of the Oneida Lake country by the Oneida River, and the water from a long chain of lakes by the Seneca River, which, meeting at three river points, form the Oswego River, and from thence give an abundant supply for the enlarged canal to its junction with Lake Ontario, at Oswego.

Respectfully submitted, by your obedient servant,

JAMES S. LAWRENCE.
Assistant Engineer.

Major JOHN M. WILSON,
Corps of Engineers, Bvt. Col. U. S. A.

ONEIDA SHIP-CANAL—CROSS-CUT LINE.

Estimate for section-work from Oswego to Durhamville.

Quantities and items.	Price.	Amount.	Total.
From Oswego lower bridge to lock 18:			
8,338 cubic yards rock-excavation ..... per cu. yd.	$2 50	$20,845 00	$20,845 00
From lock 18 to lock 17:			
8,200 cubic yards earth-excavation ..... do....	28	2,296 00	
3,150 cubic yards rock-excavation ..... do....	1 00	3,150 00	
4,060 cubic yards old vertical wall ..... do....	75	3,045 00	
10,270 cubic yards vertical wall to be built ..... do....	5 00	51,350 00	
290 cubic yards removing one pier of Utica street bridge ... do....	1 00	290 00	
290 cubic yards rebuilding pier of bridge ..... do....	8 00	2,320 00	
Altering span of bridge	.....	1,000 00	
565 cubic yards masonry, 3-arch culvert ..... per cu. yd.	9 00	5,085 00	68,536 00
From lock 17 to Oswego dam:			
28,200 cubic yards earth-excavation ..... do....	28	7,896 00	
5,220 cubic yards old vertical wall ..... do....	75	3,915 00	
23,420 cubic yards vertical wall to be built ..... do....	5 00	117,100 00	
Weigh-lock to be removed	.....	700 00	
560 cubic yards masonry in a 3-arch culvert ..... per cu. yd.	9 00	5,040 00	
294 cubic yards masonry in abutments of bridge ..... do....	8 00	2,352 00	
140 linear feet bridge superstructure ..... per lin. ft	25 00	3,500 00	
294 cubic yards masonry on bridge abutments ..... per cu. yd.	8 00	2,352 00	
140 linear feet bridge superstructure ..... per lin. ft.	25 00	3,500 00	146,355 00
From guard-lock 6, and dam, to lock No. 16:			
49,700 cubic yards earth-excavation ..... per cu. yd.	28	13,916 00	
11,900 cubic yards rock-excavation ..... do....	1 00	11,900 00	
4,000 cubic yards slope-wall ..... do....	1 75	7,000 00	
3,430 cubic yards lining ..... do....	50	1,715 00	
223 cubic yards culvert masonry ..... do....	9 00	2,007 00	36,538 00
From lock No. 16 to lock No. 15:			
16,400 cubic yards earth-excavation ..... do....	28	4,592 00	
19,000 cubic yards rock-excavation ..... do....	1 00	19,000 00	
5,000 cubic yards embankment ..... do....	28	1,400 00	
3,040 cubic yards slope-wall ..... do....	1 75	5,320 00	
2,600 cubic yards lining ..... do....	50	1,300 00	31,612 00
From lock No. 15 to lock No. 14:			
9,600 cubic yards earth-excavation ..... do....	28	2,688 00	
8,000 cubic yards rock excavation ..... do....	1 00	8,000 00	
4,160 cubic yards slope-wall ..... do....	1 75	7,280 00	
3,570 cubic yards lining ..... do....	50	1,785 00	19,753 00
From lock No. 14 to lock No. 13:			
76,700 cubic yards earth-excavation ..... do....	28	21,476 00	
51,500 cubic yards rock-excavation ..... do....	1 00	51,500 00	
8,850 cubic yards slope-wall ..... do....	1 75	15,487 50	
7,600 cubic yards lining ..... do....	50	3,800 00	92,263 50
From lock No. 13 to lock No. 12:			
24,400 cubic yards earth-excavation ..... per cu. yd	28	6,832 00	
2,950 cubic yards slope-wall ..... do....	1 75	5,162 50	
2,530 cubic yards lining ..... do...	50	1,265 00	12,259 50
From lock No. 12 to guard-lock 5:			
207,500 cubic yards earth-excavation ..... do....	28	58,100 00	
152,800 cubic yards rock-excavation ..... do....	1 00	152,800 00	
18,840 cubic yards slope-wall ..... do....	1 75	32,970 00	
16,160 cubic yards lining ..... do....	50	8,080 00	
294 cubic yards masonry in bridge-abutments ..... do....	8 00	2,352 00	
140 linear feet bridge-superstructure ..... per lin. ft.	25 00	3,500 00	257,802 00

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Estimate for section-work from Oswego to Durhamville—Continued.

Quantities and items.	Price.	Amount.	Total.
From guard-lock 5 to lock 11:			
33,500 cubic yards earth-excavation ..... per cu. yd.	$0 28	$9,380 00	
14,800 cubic yards rock-excavation ..... do....	1 00	14,800 00	
7,080 cubic yards slope-wall ..... do....	1 75	12,390 00	
6,070 cubic yards lining ..... do....	50	3,035 00	
294 cubic yards bridge-masonry ..... do....	8 00	2,352 00	
140 linear feet bridge-superstructure ..... per lin. ft.	25 00	3,500 00	
			$45,457 00
From lock No. 11 to lock No. 10:			
162,700 cubic yards earth-excavation ..... per cu. yd.	28	45,556 00	
11,080 cubic yards slope-wall ..... do....	1 75	19,390 00	
9,460 cubic yards lining ..... do....	50	4,730 00	
294 cubic yards masonry, C. and R. bridge ..... do....	8 00	2,352 00	
140 linear feet bridge-superstructure ..... per lin. ft.	25 00	3,500 00	
294 cubic yards masonry, R. bridge ..... per cu. yd.	8 00	2,352 00	
140 linear feet bridge-superstructure ..... per lin. ft.	25 00	3,500 00	
480 cubic yards masonry in aqueduct ..... per cu. yd.	9 00	4,320 00	
86,000 feet, b. m., timber and plank in superstructure. per 1,000 ft.	60 00	5,160 00	
1,100 pounds bolts, spikes, and nails ..... per lb.	06	66 00	
			90,926 00
From lock No. 10 to lock No. 9:			
7,200 cubic yards earth-excavation ..... per cu. yd.	28	2,016 00	
470 cubic yards slope-wall ..... do....	1 75	822 50	
400 cubic yards lining ..... do....	50	200 00	
			3,038 50
From lock No. 9 to lock No. 8:			
42,300 cubic yards earth-excavation ..... do....	28	11,844 00	
37,100 cubic yards rock-excavation ..... do....	1 00	37,100 00	
10,760 cubic yards vertical wall ..... do....	5 00	53,800 00	
2,260 cubic yards slope-wall ..... do....	1 75	3,955 00	
1,940 cubic yards lining ..... do....	50	970 00	
588 cubic yards bridge-masonry ..... do....	8 00	4,704 00	
260 linear feet double-track bridge ..... per lin. ft.	40 00	10,400 00	
294 cubic yards bridge-masonry ..... per cu. yd.	8 00	2,352 00	
140 linear feet of bridge-superstructure ..... per lin. ft.	25 00	3,500 00	
			128,625 00
From lock No. 8 to guard-lock No. 3:			
47,600 cubic yards earth-excavation ..... per cu. yd.	28	13,328 00	
28,950 cubic yards rock-excavation ..... do....	1 00	28,950 00	
3,890 cubic yards slope-wall ..... do....	1 75	6,807 50	
3,340 cubic yards lining ..... do....	50	1,670 00	
294 cubic yards bridge-masonry ..... do....	8 00	2,352 00	
140 linear feet bridge-superstructure ..... per lin. ft.	25 00	3,500 00	
			56,607 50
From guard-lock No. 3 to lift-lock 7:			
126,800 cubic yards earth-excavation ..... per cu. yd.	28	35,504 00	
15,020 cubic yards slope-wall ..... do....	1 75	26,285 00	
12,900 cubic yards lining ..... do....	50	6,450 00	
			68,239 00
From lock No. 7 to lock No. 6:			
341,000 cubic yards earth-excavation ..... do....	28	95,480 00	
29,000 cubic yards rock-excavation ..... do....	1 00	29,000 00	
19,030 cubic yards slope-wall ..... do....	1 75	33,302 50	
16,300 cubic yards lining ..... do....	50	8,150 00	
			165,932 50
From lock No. 6 to Brandy Brook culvert:			
378,700 cubic yards earth-excavation ..... do....	28	106,036 00	
38,000 cubic yards rock-excavation ..... do....	1 00	38,000 00	
22,500 cubic yards slope-wall ..... do....	1 75	39,375 00	
19,300 cubic yards lining ..... do....	50	9,650 00	
			193,061 00
Changing spans of two road-bridges	.....	.....	2,000 00
			1,440,850 50

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From lower bridge, Oswego, to Brandy Brook culvert, at Phœnix, 20.5 miles.

Quantities and items.	Price.	Amount.	Total.
8,338 cubic yards rock-excavation ..... per cu. yd.	$2 50	$20, 845 00	
394,200 cubic yards rock-excavation ..... do....	1 00	394, 200 00	
1,560,500 cubic yards earth-excavation ..... do....	28	436, 940 00	
5,000 cubic yards embankment ..... do....	28	1, 400 00	
9,280 cubic yards old vertical wall to be removed ..... do....	75	6, 960 00	
44,450 cubic yards vertical wall to be built ..... do....	5 00	222, 250 00	
123,170 cubic yards slope-wall ..... do....	1 75	215, 547 50	
105,600 cubic yards lining for slope-wall ..... do....	50	52, 800 00	
2,940 cubic yards masonry in canal bridges ..... do....	8 00	23, 520 00	
1,120 linear feet superstructure in canal-bridges ..... per lin. ft.	25 00	28, 000 00	
260 linear feet superstructure in canal-bridges ..... do....	40 00	10, 400 00	
1,348 cubic yards masonry in culverts ..... per cu. yd.	9 00	12, 132 00	
290 cubic yards masonry in river-bridge to be removed ..... do....	1 00	290 00	
290 cubic yards masonry in river-bridge to be built ..... do....	8 00	2, 320 00	
3 spans of bridges to be changed ..... per span..	1, 000 00	3, 000 00	
Aqueduct-enlargement	.....	9, 546 00	
Removing weigh-lock	.....	700 00	$1,440,850 50
Lift-lock No. 18		80, 551 00	
Lift-lock No. 17		76, 605 00	
Guard-lock No. 6		56, 558 00	
Lift-lock No. 16		67, 888 00	
Lift-lock No. 15		76, 615 00	
Lift-lock No. 14		71, 411 00	
Lift-lock No. 13		78, 876 00	
Lift-lock No. 12		77, 865 00	
Guard-lock No. 5		56, 505 00	
Lift-lock No. 11		84, 657 00	
Lift-lock No. 10		65, 493 00	
Lift-lock No. 9		62, 695 00	
Lift-lock No. 8		78, 527 00	
Guard-lock No. 3		52, 808 00	
Lift-lock No. 7		56, 646 00	
Guard-lock No. 2		58, 087 00	
Lift-lock No. 6		59, 772 00	
Guard-lock No. 1		50, 927 00	1,211,886 00
			2,652,736 50

Estimate for cross-cut line, Oneida River, to Brewerton.

Distance in feet.	Quantities and items.	Price.	Amount.	Total.
14, 586	From Brandy Brook culvert to Oneida River, (point B:)			
	1,508,000 cubic yards earth-excavation ..... per cub. yd.	$0 28	$422, 240	
	300,500 cubic yards rock-excavation ..... do....	1 00	300, 500	
42, 268	From Peter Scott's swamp, (point B,) along the Oneida River to (point A:)			
	424,000 cubic yards earth-excavation ..... per cub. yd.	25	106, 000	
11, 220	From mouth of Black Creek (point A) cross-cut to intersection of Oneida River near Brewerton:			
	1,010,000 cubic yards earth-excavation ..... per cub. yd.	28	282, 800	
	161,800 cubic yards rock-excavation ..... do....	1 00	161, 800	
6, 618	From intersection of cross-cut along the Oneida River to Brewerton bridge:			
	83,400 cubic yards earth-excavation ..... per cub. yd.	25	20, 850	$1, 294, 190
74, 692	Equal to 4.146 miles.			
4, 070	From Brewerton Bridge to 10 feet water in Oneida Lake:			
	73,300 cubic yards earth-excavation ..... per cub. yd.	25	18, 325	
105, 600	From the 10-foot water-line at the west end to the 10-foot water-line at the east end of Oneida Lake.			
3, 000	From the 10-foot water-line at the east end of the lake to lock No. 6 of the Oneida Canal:			
	36,800 cubic yards earth-excavation ..... per cub. yd.	25	9, 200	
	5,470 linear feet of pier ..... per lin. ft.	10 00	54, 700	
	40 linear feet of pier ..... do....	20 00	800	83, 025
112, 670	Equal to 21.339 miles.			
26, 835	From lock No. 6, Oneida Canal, to the junction with the Erie Canal at Durhamville, (equal to 5.082 miles:)			
	738,000 cubic yards earth excavation ..... per cub. yd.	28	206, 640	206, 640
139, 505	Equal to 26.421 miles.			
	Carried forward	.....	.....	1, 583, 855

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From Brandy Brook culvert, at Phœnix, by the cross-cut line to Oneida Lake, and thence by Oneida Canal to Durhamville.

Distance in feet.	Quantities and items.	Price.	Amount.	Total.
	Brought forward			$1,583,855
	From Brandy Brook culvert to Oneida River, at Peter Scott's swamp:			
	22,688 cubic yards slope-wall ... per cub. yd.	$1 75	$39,704	
	19,448 cubic yards lining ... do..	50	9,724	
	On cross-cut line from the mouth of Black Creek to the intersection of Oneida River, near Brewerton:			
	17,456 cubic yards slope-wall ... per cub. yd.	1 75	30,548	
	14,960 cubic yards lining ... do..	50	7,480	
				87,406
26,835	On Oneida Canal:			
	39,300 cubic yards slope-wall ... per cub. yd.	1 75	68,775	
	33,688 cubic yards lining ... do..	50	16,844	
	7,018 cubic yards graveling tow-path ... do..	50	3,509	
				89,128
	1,844 cubic yards arch culvert masonry ... per cub. yd.	9 00	16,596	
	3,234 cubic yards bridge ... do..	8 00	25,872	
	1,540 linear feet, 11 bridges ... do..	25 00	38,500	
				80,968
26,835	Equal to 5.082 miles.			
	Carried forward			1,841,407

From Brandy Brook culvert, at Phœnix, by the cross-cut line to the Oneida River, and thence to Brewerton, thence by Oneida Lake and the Oneida Canal to Durhamville.

Locks.	Amount.	Total.
Brought forward		$1,841,407
Lift-lock No. 1, Oneida River	$58,492	
Lift-lock No. 2, Oneida River	65,070	
		123,562
Lift-lock No. 6, Oneida Canal	84,367	
Lift-lock No. 5, Oneida Canal	63,322	
Lift-lock No. 4, Oneida Canal	62,507	
Lift-lock No. 3, Oneida Canal	61,831	
Lift-lock No. 2, Oneida Canal	61,936	
Lift-lock No. 1, Oneida Canal	72,200	
		406,163
Total		2,371,132

SPECIMEN OF METHOD OF ESTIMATING COST OF LOCKS.

Estimate of lock No. 16, Oswego Canal, 8.666 feet lift.

Quantities and items.	Price.	Amount.	Total.
Bailing and draining		$4,000	
7,000 cubic yards earth-excavation ... per cu. yd.	$0 28	1,960	
3,400 cubic yards rock-excavation, requiring blasting ... do....	1 00	3,400	
900 cubic yards embankment ... do....	28	252	
300 cubic yards lining and graveling ... do....	50	150	
200 cubic yards puddling ... do....	30	60	
100 cubic yards slope-wall and paving ... do....	2 00	200	
180 cubic yards loose stone ... do....	1 50	270	
160 cubic yards vertical wall in cement ... do....	6 00	960	
90 cubic yards vertical wall, dry ... do....	3 00	270	
3,172 cubic yards masonry in lock-walls ... do....	13 00	41,236	
330 cubic yards masonry in culverts ... do....	9 00	2,970	
300 cubic yards concrete-masonry ... do....	5 00	1,500	
100 cubic yards quarried-stone pavement ... do....	2 00	200	
45,000 feet, board-measure, white-oak timber and plank ... per 1,000 ft.	60 00	2,700	
24,400 feet, board-measure, white-pine timber ... do....	45 00	1,098	
205,000 feet, board-measure, hemlock timber ... do....	20 00	4,100	
11,800 pounds wrought iron ... per pound.	12	1,416	
8,500 pounds cast iron ... do....	08	680	
4,100 pounds spikes and nails ... do....	06	246	
600 pounds lead ... do....	12	72	
8 snubbing-posts ... each..	6 00	48	
Painting		50	
Sulphur and sand cement		50	
			$67,888

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ONEIDA SHIP-CANAL.—SUMMARY OF CROSS-CUT LINE.

From Oswego to Durhamville by way of the cross-cut line from Phœnix to the Oneida River, and through the Oneida Lake and Oneida Canal to the Erie Canal at Durhamville.

Distance in miles.			Amount.
20.500	Estimated cost from Oswego to Phœnix	Excavation	$2,652,736 50
14.146	Estimated cost from Phœnix to Brewerton	do	1,294,190 00
21.339	Estimated cost from Brewerton through the Oneida Lake to the Oneida Canal.	Excavation and piers	83,025 00
5.082	Oneida Lake Canal	Excavation	206,640 00
	Cross-cut lines Oneida River	Slope-wall	87,456 00
	Oneida Canal	do	89,122 00
	do	Culverts and bridges	80,968 00
	Oneida River	Locks	123,562 00
	Oneida Canal	do	406,163 00
			5,023,868 50
	Add 10 per cent. for engineering and contingencies.		502,386 85
	Land-damages		397,341 50
			5,923,596 85

ONEIDA SHIP-CANAL—ONEIDA RIVER LINE.

From lower bridge, Oswego to Brandy Brook culvert at Phœnix, 20$\frac{5}{10}$ miles.

Quantities and items.	Price.	Amount.	Total.
8,338 cubic yards rock-excavation ... per cu. yd.	$2 50	$20,845 00	
394,200 cubic yards rock-excavation ... do	1 00	394,200 00	
1,560,500 cubic yards earth-excavation ... do	28	436,940 00	
5,000 cubic yards embankment ... do	28	1,400 00	
9,280 cubic yards old vertical wall to be removed ... do	75	6,960 00	
44,450 cubic yards vertical wall to be built ... do	5 00	222,250 00	
123,170 cubic yards slope-wall ... do	1 75	215,547 50	
105,600 cubic yards lining for slope-wall ... do	50	52,800 00	
2,940 cubic yards masonry in canal-bridges ... do	8 00	23,520 00	
1,120 linear feet superstructure in bridges ... per lin. ft.	25 00	28,000 00	
260 linear feet superstructure in bridges ... do	40 00	10,400 00	
1,348 cubic yards masonry in culverts ... per cu. yd.	9 00	12,132 00	
290 cubic yards masonry in bridges to be removed ... do	1 00	290 00	
290 cubic yards masonry in river-bridges to be built ... do	8 00	2,320 00	
3 spans of river-bridges to be changed ... each	1,000 00	3,000 00	
Aqueduct enlargement		9,546 00	
Removing weigh-lock		700 00	
			$1,440,850 50
Lift-lock, No. 18		80,551 00	
Lift-lock, No. 17		76,605 00	
Guard-lock, No. 6		56,558 00	
Lift-lock, No. 16		67,888 00	
Lift-lock, No. 15		76,015 00	
Lift-lock, No. 14		71,411 00	
Lift-lock, No. 13		78,876 00	
Lift-lock, No. 12		77,865 00	
Guard-lock, No. 5		56,505 00	
Lift-lock, No. 11		84,657 00	
Lift-lock, No. 10		65,493 00	
Lift-lock, No. 9		62,695 00	
Lift-lock, No. 8		78,527 00	
Guard-lock, No. 3		52,808 00	
Lift-lock, No. 7		56,646 00	
Guard-lock, No. 2		58,087 00	
Lift-lock, No. 6		59,772 00	
Guard-lock, No. 1		50,927 00	
			1,211,886 00
Carried forward			2,652,736 50

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River line from Brandy Brook culvert to Brewerton bridge, Oneida Lake.

Distance in feet.	Quantities and items.	Price.	Amount.	Total.
	Brought forward			$2,652,736 50
	From Brandy Brook culvert to Three Rivers Point:			
	237,600 cubic yards earth-excavation..per cu. yd.	$0 28	$66,528 00	
	29,000 cubic yards rock-excavation.....do	1 00	29,000 00	
	5,660 cubic yards vertical wall.....do	5 00	28,300 00	
	13,532 cubic yards slope-wall.....do	1 75	23,681 00	
	11,594 cubic yards lining.....do	50	5,797 00	
Brandy Brook....	971 cubic yards culvert-masonry.....do	9 00	8,739 00	
	294 cubic yards bridge-masonry.....do	8 00	2,352 00	
	140 linear feet bridge-superstructure..per lin. ft.	25 00	3,500 00	
Guard-lock 1 to 6.	971 cubic yards culvert-masonry.....per cu. yd.	9 00	8,739 00	
Guard-lock 1 to Change-bridge.	240 cubic yards bridge-masonry.....do	8 00	1,920 00	
	140 linear feet bridge-superstructure..per lin. ft	20 00	2,800 00	
Three Rivers	1 swing-bridge		12,596 00	
				193,592 00
From Brandy Brook culvert to Three Rivers, 15,367 feet.	From Three Rivers Point along the Oneida River, to Brewerton bridge at Oneida Lake:			
19,300 feet.....	137,400 cubic yards earth-excavatian..per cu. yd	25	34,350 00	
42,268 feet.....	424,000 cubic yards earth-excavation .....do	25	106,000 00	
31,675 feet.....	192,800 cubic yards earth-excavation .....do	25	48,200 00	
6,618 feet.....	83,400 cubic yards earth-excavation .....do	25	20,850 00	
	No. 1 guard-lock at Phœnix		50,927 00	
Cunghdenoy	766 cubic yards swing-bridge masonry.per cu. yd.	8 00	6,128 00	
	Superstructure-iron		8,000 00	
Brewerton 114,228 equal to 21.634 miles.	Swing-bridge		12,596 00	
				387,051 00
	Graveling towing paths from Brandy Brook culvert to Three Rivers Point		2,134 00	
	Lift-lock No. 1, Oneida River		58,492 00	
	Lift-lock No. 2, Oneida River		65,070 00	
				125,696 00
	Carried forward			3,259,435 50

Oneida river line, from Three River Point along the Oneida River, through the Oneida Lake and Canal, to the Erie Canal, at Durhamville.

Distance in feet.	Quantities and items.	Price.	Amount.	Total.
	Brought forward			$3,259,435 50
4,070	Brewerton bridge to 10-foot water line, Oneida Lake:			
	73,300 cubic yards earth-excavation ..... per cu. yd.	$0 25	$18,325	
				18,325 00
105,600	From the 10-foot water-line of the west end of the lake to the 10-foot water-line at the east end.			
3,000	From the 10-foot water-line at the east end of Oneida Lake to lock No. 6 of the Oneida Canal:			
	5,470 linear feet of pier..... per lin. ft.	10 00	54,700	
	40 linear feet of pier .....do....	20 00	800	
	36,800 cubic yards earth-excavation..... per cu. yd.	25	9,200	
				64,700 00
26,835	From lock No. 6, Oneida Canal, to junction with the Erie Canal, at Durhamville:			
	738,000 cubic yards earth-excavation..... per cu. yd.	25	184,500	
	59,300 cubic yards slope-wall.....do....	1 75	68,775	
	32,688 cubic yards lining.....do....	50	16,344	
				269,619 00
	Road and change bridges:			
	3,234 cubic yards bridge-masonry.....do....	8 00	25,872	
	1,844 cubic yards culvert-masonry.....do....	9 00	16,596	
	1,540 linear feet (11) bridges.....per lin. ft.	25 00	38,500	
				80,968 00
	Lift-lock No. 6, Oneida Canal		84,367	
	Lift-lock No. 5, Oneida Canal		63,322	
	Lift-lock No. 4, Oneida Canal		62,507	
	Lift-lock No. 3, Oneida Canal		61,831	
	Lift-lock No. 2, Oneida Canal		61,936	
	Lift-lock No. 1, Oneida Canal		72,200	
				406,163 00
	Total			4,099,210 50

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SPECIMEN OF METHOD OF ESTIMATING COST OF LOCKS, ONEIDA SHIP-CANAL, ONEIDA RIVER LINE.

Estimate of Lock No. 16, Oswego Canal, 8.666 feet lift.

Quantities and items.	Price.	Amount.	Total.
Bailing and draining		$4,000	
7,000 cubic yards earth-excavation ... per cu. yd.	$0 28	1,960	
3,400 cubic yards rock-excavation, requiring blasting ... do.	1 00	3,400	
900 cubic yards embankment ... do.	28	252	
300 cubic yards lining and graveling ... do.	50	150	
200 cubic yards puddling ... do.	30	60	
100 cubic yards slope-wall and paving ... do.	2 00	200	
180 cubic yards loose stone ... do.	1 50	270	
160 cubic yards vertical wall, in cement ... do.	6 00	960	
90 cubic yards vertical wall, dry ... do.	3 00	270	
3,172 cubic yards masonry in lock-walls ... do.	13 00	41,236	
330 cubic yards masonry in culverts ... do.	9 00	2,970	
300 cubic yards concrete-masonery ... do.	5 00	1,500	
100 cubic yards quarried stone pavement ... do.	2 00	200	
45,000 feet, b. m., white-oak timber and plank ... per M ft.	60 00	2,700	
24,400 feet, b. m., white-pine timber ... do.	45 00	1,098	
205,000 feet, b. m., hemlock timber ... do.	20 00	4,100	
11,800 pounds wrought iron ... per lb.	12	1,416	
8,500 pounds cast iron ... do.	1 08	680	
4,100 pounds spikes and nails ... do.	06	246	
600 pounds lead ... do.	12	72	
8 snubbing-posts ... each	6 00	48	
Painting		50	
Sulphur and sand-cement		50	
			$67,888 00

ONEIDA SHIP-CANAL.—ONEIDA RIVER LINE.

From Oswego to the Three Rivers Point, thence along the Oneida River to Brewerton, thence through Oneida Lake and the Oneida Canal to the Erie Canal at Durhamville.

Distance in miles.	Items.	Amount.	Total.
20.500	Oswego to Phœnix, (Brandy Brook)	$2,652,736 50	
21.634	Phœnix to Three Rivers Point, thence along the Oneida River to Brewerton	606,699 00	
21.339	Through the Oneida Lake to the Oneida Canal	839,775 00	
5.082	Thence along the canal to Durhamville		
			$4,099,210 50
68.555	Add 10 per cent. for engineering and contingencies	409,921 05	
	Land-damages	452,320 50	
			862,241 55
	Total		4,961,452 05

ONEIDA SHIP-CANAL.

Estimated cost of section from Durhamville Station to Rome Station.

Quantities and items.	Price.	Amount.	Total.
2,580,000 cubic yards earth-excavation ... per cu. yd.	$0 28	$722,400	
103,700 cubic yards puddling ... do.	30	31,110	
20,800 cubic yards vertical wall ... do.	5 00	104,000	
122,260 cubic yards slope-wall ... do.	1 75	213,955	
104,800 cubic yards lining ... do.	50	52,400	
24,000 cubic yards graveling tow-path ... do.	50	12,000	
			$1,137,865 00
Oneida Creek aqueduct:			
1,591 cubic yards masonry ... per cu. yd.	9 00	14,319	
20,750 feet, b. m., oak timber ... per 1,000 ft.	60 00	1,245	
18,000 feet, b. m., pine ... do.	45 00	810	
30,000 feet, b. m., hemlock ... do.	20 00	600	
800 pounds spikes and nails ... per lb.	6	48	
			17,022 00
330 cubic yards masonry arch culvert ... per cu. yd.	9 00	2,970	
16,500 feet, b. m., hemlock ... per 1,000 ft.	20 00	330	
150 pounds iron spikes and nails ... per lb	6	9	
			3,309 00

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Estimated cost of section from Durhamville Station to Rome Station—Continued.

Quantities and items.	Price.	Amount.	Total.
370 cubic yards masonry in arch culvert ..... per cu. yd.	$9 00	$3,330	
29,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	590	
300 pounds spikes and nails ..... per lb.	6	18	
			$3,938 00
370 cubic yards masonry in arch culvert ..... per cu. yd.	9 00	3,330	
29,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	590	
300 pounds spikes and nails ..... per lb.	6	18	
			3,938 00
296 cubic yards masonry in arch culvert ..... per cu. yd	9 00	2,664	
32,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	650	
350 pounds spikes and nails ..... per lb.	6	21	
			3,335 00
296 cubic yards masonry in arch culverts ..... per cu. yd.	9 00	2,664	
32,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	650	
350 pounds spikes and nails ..... per lb.	6	21	
			3,335 00
296 cubic yards masonry in arch culverts ..... per cu. yd.	9 00	2,664	
32,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	650	
350 pounds spikes and nails ..... per lb.	6	21	
			3,335 00
296 cubic yards masonry in arch culvert ..... per cu. yd.	9 00	2,664	
32,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	650	
350 pounds spikes and nails ..... per lb.	6	21	
			3,335 00
105 cubic yards masonry in arch culvert ..... per cu. yd.	9 00	945	
13,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	270	
100 pounds spikes and nails ..... per lb	6	6	
			1,221 00
225 cubic yards masonry in arch culvert ..... per cu. yd.	9 00	2,025	
22,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	450	
300 pounds spikes and nails ..... per lb.	6	18	
			2,493 00
225 cubic yards masonry in arch culvert ..... per cu. yd.	9 00	2,025	
22,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	450	
300 pounds spikes and nails ..... per lb.	6	18	
			2,493 00
304 cubic yards masonry in arch culvert ..... per cu. yd.	9 00	2,736	
16,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	330	
200 pounds spikes and nails ..... per lb.	6	12	
			3,078 00
95 cubic yards masonry in arch culvert ..... per cu. yd	9 00	855	
7,000 feet, b. m., hemlock ..... per 1,000 ft.	20 00	140	
100 pounds spikes and nails ..... per lb.	6	6	
			1,001 0
274 cubic yards masonry in arch culvert ..... per cu. yd.	9 00	2,466	
14,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	290	
200 pounds spikes and nails ..... per lb.	6	12	
			2,768 00
122 cubic yards masonry in arch culvert ..... per cu. yd.	4 00	488	
13,200 feet, b. m., hemlock ..... per 1,000 ft.	20 00	264	
150 pounds spikes and nails ..... per lb.	6	9	
			761 00
200 cubic yards masonry in arch culvert ..... per cu. yd.	4 00	800	
15,750 feet, b. m., hemlock ..... per 1,000 ft.	20 00	315	
200 pounds spikes and nails ..... per lb.	6	12	
			1,127 00
225 cubic yards masonry in arch culvert ..... per cu. yd.	9 00	2,025	
22,500 feet, b. m., hemlock ..... per 1,000 ft.	20 00	450	
300 pounds iron spikes and nails ..... per lb.	6	18	
			2,493 00
448 cubic yards masonry in waste weir ..... per cu. yd.	9 00	4,032	
9,000 feet, b. m., oak timber, &c ..... per 1,000 ft.	60 00	540	
6,600 feet, b. m., pine timber, &c ..... do....	45 00	297	
19,600 feet, b. m., hemlock ..... do...	20 00	392	
1,800 pounds iron spikes and nails ..... per lb.	6	108	
			5,369 00
5,779 cubic yards masonry bridge-abutments ..... per cu. yd.	8 00	46,232	
2,793 linear feet bridge superstructure ..... per lin. ft.	25 00	69,825	
280 linear feet bridge superstructure ..... do....	40 00	11,200	
140 linear feet, 1 railroad bridge ..... do....	88 00	12,320	
Do ..... do....	65 00	9,100	
Do ..... do....	48 00	6,720	
Do ..... do....	54 00	7,560	
Do ..... do....	25 00	3,500	
Do ..... do....	28 00	3,920	
			170,377 00
Carried forward	.....	.....	1,370,593 00

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Estimated cost of section from Rome, station 860, to Utica, station 1,660.

Quantities and items.	Price.	Amount.	Total.
Brought forward			$1,370,593 00
2,384,800 cubic yards earth-excavation ... per cu. yd.	$0 28	$667,744 00	
96,000 cubic yards puddling ... do.	30	28,800 00	
29,032 cubic yards vertical wall ... do.	5 00	145,160 00	
99,020 cubic yards lining ... do.	50	49,500 00	
109,900 cubic yards slope-wall ... do.	1 75	192,325 00	
22,222 cubic yards graveling tow-path ... do.	50	11,111 00	
			1,094,650 00
Oriskany aqueduct.			
376 cubic yards masonry in foundation and backing ... per cu. yd.	4 00	1,504 00	
791 cubic yards masonry, arches and face-work ... do.	9 00	7,119 00	
15 cubic yards masonry, coping ... do.	13 00	195 00	
229,000 feet, board-measure, oak, timber and plank ... per 1,000 ft.	60 00	13,740 00	
36,000 feet, board-measure, pine ... do.	45 00	1,620 00	
20,800 feet, board-measure, hemlock ... do.	20 00	416 00	
20,950 pounds iron, ties, bolts, and spikes ... per lb.	06	1,257 00	
			25,651 00
Sauquoit aqueduct.			
280 cubic yards masonry, foundation and backing ... per cu. yd.	4 00	1,120 00	
416 cubic yards masonry, arches and face-work ... do.	9 00	3,744 00	
11 cubic yards masonry, coping ... do.	13 00	143 00	
157,750 feet, board-measure, oak timber ... per 1,000 ft.	60 00	9,465 00	
24,800 feet, board-measure, pine ... do.	45 00	1,116 00	
14,750 feet, board-measure, hemlock ... do.	20 00	295 00	
14,500 pounds iron ... per lb.	06	870 00	
			16,753 00
310 cubic yards arch-culvert masonry ... per cu. yd.	9 00	2,790 00	
16,500 feet, board-measure, hemlock timber, &c ... per 1,000 ft.	20 00	330 00	
100 pounds iron ... per lb.	06	6 00	
			3,126 00
367 cubic yards double-arch-culvert masonry ... per cu. yd.	9 00	3,303 00	
22,500 feet, board-measure, hemlock timber, &c ... per 1,000 ft.	20 00	450 00	
100 pounds iron ... per lb.	06	6 00	
			3,759 00
730 cubic yards box-culvert masonry ... per cu. yd.	4 00	2,920 00	
13,200 feet, board-measure, hemlock timber, &c ... per 1,000 ft.	20 00	264 00	
100 pounds iron ... per lb.	06	6 00	
			3,190 00
448 cubic yards waste-weir masonry ... per cu. yd.	9 00	4,032 00	
25,000 feet, board-measure, hemlock timber, &c ... per 1,000 ft.	20 00	500 00	
10,000 feet, board-measure, pine ... do.	45 00	450 00	
1,800 pounds iron ... per lb.	06	108 00	
			5,090 00
6,720 cubic yards bridge-masonry ... per cu. yd.	8 00	53,760 00	
1,960 linear feet, 14 road-bridges ... per lin. ft.	25 00	49,000 00	
1,540 linear feet, 11 road-bridges ... do.	38 00	58,520 00	
140 linear feet, 1 road-bridge ... do.	60 00	8,400 00	
140 linear feet, 1 road-bridge ... do.	64 00	8,960 00	
140 linear feet, 1 road-bridge ... do.	107 00	14,980 00	
280 linear feet, 2 railroad-swing bridges ... do.	85 00	23,800 00	
			217,420 00
Removing weigh-lock at Utica		700 00	
			700 00
Carried forward			2,741,132 00

Estimated cost of section from Utica, station 1,660, to Ilion, station 2,260.

Quantities and items.	Price.	Amount.	Total.
Brought forward			$2,741,132 00
1,815,500 cubic yards earth-excavation ... per cu. yd.	$0 28	$508,284 00	
73,100 cubic yards puddling ... do.	30	21,930 00	
18,294 cubic yards vertical wall ... do.	5 00	91,470 00	
82,008 cubic feet, slope-wall ... do.	1 75	143,514 00	
74,390 cubic yards lining ... do.	50	37,195 00	
16,666 cubic yards graveling tow-path ... do.	50	8,333 00	
			810,726 00
Furgerson's aqueduct.			
109 cubic yards masonry, in foundation and backing ... per cu. yd.	4 00	436 00	
153 cubic yards masonry, arch and face-work ... do.	9 00	1,377 00	
8 cubic yards masonry, coping ... do.	13 00	104 00	
156,300 feet, board-measure, oak ... per 1,000 feet.	60 00	3,378 00	
9,000 feet, board-measure, pine ... do.	45 00	405 00	
6,750 feet, board-measure, hemlock ... do.	20 00	135 00	
5,200 pounds iron, bolts and spikes ... per lb.	06	312 00	
			6,147 00

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Estimated cost of section from Utica, &c.—Continued.

Quantities and items.	Price.	Amount.	Total.
Frankfort aqueduct.			
204 cubic yards masonry, in foundation and backing.....per cu. yd	$4 00	$816 00	
302 cubic yards masonry, arches and face-work .....do....	9 00	3,258 00	
8 cubic yards masonry, coping.....do....	13 00	104 00	
108,000 feet, board-measure, oak.....per 1,000 feet.	60 00	6,480 00	
17,000 feet, board-measure, pine .....do....	45 00	765 00	
9,500 feet, board-measure, hemlock .....do...	20 00	190 00	
9,900 pounds iron, bolts and spikes.....per lb.	06	594 00	
			$12,207 00
Ilion aqueduct.			
131 cubic yards masonry, foundation and backing.....per cu. yd.	4 00	524 00	
245 cubic yards masonry, arches and face-work.....do....	9 00	2,205 00	
10 cubic yards masonry, coping..... do....	13 00	130 00	
109,000 feet, board-measure, oak .....per 1,000 feet.	60 00	6,540 00	
17,000 feet, board-measure, pine .....do....	45 00	765 00	
9,500 feet, board-measure, hemlock.....do....	20 00	190 00	
9,950 pounds iron, bolts and spikes ..... do....	06	597 00	
			10,951 00
95 cubic yards masonry, arch-culvert.....per cu. yd.	9 00	855 00	
7,000 feet, board-measure, hemlock .....per 1,000 feet.	20 00	140 00	
50 pounds spikes .....per lb	06	3 00	
			998 00
225 cubic yards masonry, in arch-culvert.....per cu. yd.	9 00	2,025 00	
22,750 feet, board-measure, hemlock.....per 1,000 feet.	20 00	455 00	
100 pounds spikes ..... per lb.	06	6 00	
			2,486 00
75 cubic yards masonry, in arch-culvert.....per cu. yd	9 00	675 00	
7,500 feet, board-measure, hemlock.....per 1,000 ft.	20 00	150 00	
50 pounds spikes .....per lb.	06	3 00	
			828 00
295 cubic yards masonry, in arch-culvert.....per cu. yd.	9 00	2,655 00	
16,000 feet, board-measure, hemlock .....per 1,000 ft	20 00	320 00	
50 pounds spikes.....per lb.	06	3 00	
			2,978 00
225 cubic yards masonry, in arch-culvert.....per cu. yd.	9 00	2,025 00	
22,750 feet, board-measure, hemlock .....per 1,000 ft.	20 00	455 00	
100 pounds spikes .....per lb.	06	6 00	
			2,486 00
122 cubic yards masonry, in box-culvert.....per cu. yd.	4 00	488 00	
13,250 feet, board-measure, hemlock.....per 1,000 ft.	20 00	265 00	
100 pounds spikes and nails .....per lb.	06	6 00	
			759 00
122 cubic yards masonry, in box-culvert.....per cu. yd.	4 00	488 00	
13,250 feet, board-measure, hemlock .....per 1,000 ft.	20 00	265 00	
100 pounds spikes and nails.....per lb.	06	6 00	
			759 00
122 cubic yards masonry, in box-culvert.....per cu. yd	4 00	488 00	
13,250 feet, board-measure, hemlock.....per 1,000 ft	20 00	265 00	
100 pounds spikes and nails.....per lb.	06	6 00	
			759 00
4,298 cubic yards masonry, in bridge-abutments.....per cu. yd.	8 00	34,384 00	
2,380 linear feet, 17 road-bridges.....per lin. ft.	25 00	59,500 00	
940 linear foot, 7 road-bridges.....do....	40 00	37,600 00	
			131,484 00
Carried forward	.....	.....	3,724,700 00

Estimated cost of section from Ilion, station 2,260 to Little Falls, station 6.

Quantities and items.	Price.	Amount.	Total.
Brought forward	.....	.....	$3,724,700 00
1,463,850 cubic yards earth-excavation .....per cu. yd.	$0 28	$409,878 00	
33,000 cubic yards rock-excavation .....do....	1 00	33,000 00	
59,400 cubic yards puddling .....do....	30	17,820 00	
2,714 cubic yards vertical wall.....do....	5 00	13,570 00	
73,856 cubic yards slope-wall.....do....	1 75	129,248 00	
63,916 cubic yards lining .....do....	50	31,958 00	
14,364 cubic yards graveling tow-paths.....do....	50	7,182 00	
			42,0656 06
Fulmer Creek aqueduct.			
213 cubic yards masonry .....per cu. yd.	4 00	852 00	
341 cubic yards masonry.....do....	9 00	3,069 00	
11 cubic yards coping .....do....	13 00	143 00	
169,000 feet, board-measure, oak.....per ft.	60 00	10,140 00	
26,800 feet, board-measure, pine.....do....	45 00	1,197 00	
14,750 feet, board-measure, hemlock .....do....	20 00	295 00	
15,500 pounds bolts and spikes .....per lb	06	930 00	
			16,626 00

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Estimated cost of section from Ilion, &c.—Continued.

Quantities and items.	Price.	Amount.	Total.
194 cubic yards masonry, in double culvert.....per cu. yd.	$9 00	$1,746 00	
14,400 feet, board-measure, hemlock.....per 1,000 ft.	20 00	288 00	
200 pounds spikes and nails.....per lb.	06	12 00	
			$2,046 00
435 cubic yards masonry, in box-culverts .....per cu. yd.	4 00	1,740 00	
13,500 feet, board-measure, hemlock .....per ft.	20 00	270 00	
200 pounds spikes and nails.....per lb	06	12 00	
			2,022 00
391 cubic yards masonry, waste-weir.....per cu. yd.	9 00	3,519 00	
10,000 feet, board-measure, oak .....per ft.	60 00	600 00	
6,600 feet, board-measure, pine.....do....	45 00	297 00	
14,400 feet, board-measure, hemlock .....do....	20 00	280 00	
1,500 pounds spikes and nails.....per lb.	06	90 00	
			4,786 00
1,984 cubic yards masonry, bridge-abutments .....per cu. yd.	8 00	15,872 00	
1,680 linear feet, 12 road-bridges.....per ft.	25 00	42,000 00	
140 linear feet, 1 road-bridge .....do.....	38 00	5,320 00	
			63,192 00
Carried forward			4,456,028 00

Estimated cost of section from Little Falls, station 6, to Fort Plain, station 840.

Quantities and items.	Price.	Amount.	Total.
Brought forward			$4,456,028 00
1,912,400 cubic yards earth-excavation .....per cu. yd.	$0 28	$535,472 00	
311,951 cubic yards rock-excavation .....do....	1 00	311,951 00	
94,700 cubic yards puddling .....do....	30	328,410 00	
5,200 cubic yards vertical wall.....do....	5 00	26,000 00	
123,336 cubic yards slope-wall .....do....	1 75	215,838 00	
105,718 cubic yards lining .....do....	50	52,859 00	
23,166 cubic yards graveling tow-paths.....do....	50	11,583 00	
			1,182,113 00
Castle Creek aqueduct.			
326 cubic yards masonry, backing and foundation .....per cu. yd.	4 00	1,304 00	
1,035 cubic yards masonry, face-work and arches.....do....	9 00	9,315 00	
12 cubic yards masonry, coping .....do....	13 00	156 00	
22,650 feet, board-measure, hemlock .....per 1,000 ft.	20 00	453 00	
217,800 feet, board-measure, oak .....do....	60 00	13,068 00	
34,200 feet, board-measure, pine .....do....	45 00	1,539 00	
19,950 pounds iron .....per lb	06	1,197 00	
			27,032 00
Small waste-weir.			
12 cubic yards masonry.....per cu. yd.	6 00	72 00	
2,000 feet, board-measure, pine .....per 1,000 ft.	45 00	90 00	
50 pounds iron, spikes and nails .....per lb.	06	3 00	
			165 00
Towing-path bridge.			
2,000 feet, board-measure, pine.....per 1,000 ft.	45 00	90 00	
100 pounds iron, spikes and nails.....per lb	06	6 00	
			96 00
Bridges.			
3,087 cubic yards masonry.....per cu. yd	8 00	24,696 00	
2,940 linear feet, 21 road-bridges.....per lin. ft.	25 00	73,500 00	
			98,196 00
Carried forward			5,763,630 00

Estimated cost of section from Fort Plain, station 840, to lock 29, stations 1959 + 60.

Quantities and items.	Price.	Amount.	Total.
Brought forward			$5,763,630 00
2,639,200 cubic yards earth-excavation.....per cu. yd..	$0 28	$738,976 00	
29,000 cubic yards rock-excavation .....do.....	1 00	29,000 00	
132,400 cubic yards puddling .....do.....	30	39,720 00	
170,504 cubic yards slope-wall .....do.....	1 75	298,382 00	
146,278 cubic yards lining.....do.....	50	73,139 00	
31,150 cubic yards graveling, tow-path.....do.....	50	15,550 00	
			1,194,767 00

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Estimated cost of section from Fort Plain, &c.—Continued.

Quantities and items.	Price.	Amount.	Total.
Fort Plain Aqueduct.			
341 cubic yards masonry.....per cu. yd..	$4 00	$1,364 00	
1,298 cubic yards masonry.....do.....	9 00	11,682 00	
13 cubic yards masonry coping.....do.....	13 00	169 00	
25,300 feet, board measure, hemlock.....per 1,000 ft..	20 00	506 00	
255,350 feet, board measure, oak.....do.....	60 00	15,321 00	
40,000 feet, board measure, pine.....do.....	45 00	1,800 00	
23,400 pounds iron.....per lb..	06	1,404 00	
			$32,246 00
Canajoharie Aqueduct.			
341 cubic yards masonry.....per cu. yd..	4 00	1,364 00	
1,298 cubic yards masonry.....do.....	9 00	11,682 00	
13 cubic yards masonry coping.....do.....	13 00	169 00	
25,300 feet, board measure, hemlock.....per 1,000 ft..	20 00	506 00	
255,350 feet, board measure, oak.....do.....	60 00	15,321 00	
40,200 feet, board measure, pine.....do.....	45 00	1,800 00	
23,400 pounds iron.....per lb..	06	1,404 00	
			32 246 00
Spraker's Aqueduct.			
341 cubic yards masonry.....per cu. yd..	4 00	1,364 00	
1,298 cubic yards masonry facework.....do.....	9 00	11,682 00	
14 cubic yards masonry coping.....do.....	13 00	182 00	
25,300 feet, board measure, hemlock.....per 1,000 ft..	20 00	506 00	
255,350 feet, board measure, oak.....do.....	60 00	15,321 00	
40,200 feet, board measure, pine.....do.....	45 00	1,800 00	
23,400 pounds iron.....do.....	06	1,404 00	
			32,246 00
Auriesville Aqueduct.			
326 cubic yards masonry.....per cu. yd..	4 00	1,304 00	
1,035 cubic yards masonry.....do.....	9 00	9,315 00	
11 cubic yards masonry coping.....do.....	13 00	143 00	
22,650 feet, board measure, hemlock.....per 1,000 ft..	20 00	453 00	
217,800 feet, board measure, oak.....do.....	60 00	13,068 00	
34,200 feet, board measure, pine.....do.....	45 00	1,539 00	
19,950 pounds iron.....per lb..	06	1,197 00	
			27,019 00
Schoharie Creek Aqueduct.			
2,581 cubic yards masonry.....per cu. yd..	4 00	10,324 00	
3,747 cubic yards masonry.....do.....	9 00	33,723 00	
59 cubic yards masonry coping.....do.....	13 00	767 00	
775,000 feet, board measure, oak.....per 1,000 ft..	60 00	46,500 00	
134,000 feet, board measure, pine.....do.....	45 00	6,030 00	
37,350 pounds iron.....per lb..	06	4,641 00	
			101,985 00
5,476 cubic yards bridge masonry.....per cu. yd..	8 00	43,808 00	
4,620 linear feet, 33 road bridges.....per lin. ft..	25 00	115,500 00	
260 linear feet, 2 road bridges.....do.....	28 00	7,840 00	
Do.....do.....	38 00	10,640 00	
			177,788 00
220 cubic yards masonry, arch culvert.....per cu. yd..	9 00	1,980 00	
12,000 feet, board measure, hemlock timber.....per 1,000 ft..	20 00	240 00	
5,000 feet, board measure, plank.....do.....	20 00	100 00	
100 pounds iron spikes and nails.....per lb..	06	6 00	
			2,326 00
220 cubic yards masonry, arch culvert.....per cu. yd..	9 00	1,980 00	
12,000 feet, board measure, hemlock timber.....per 1,000 ft.	20 00	240 00	
5,000 feet, board measure, hemlock plank.....do.....	20 00	100 00	
100 pounds spikes and nails.....per lb..	06	6 00	
			2,326 00
200 cubic yards masonry, arch culvert.....per cu. yd..	9 00	1,800 00	
10,000 feet, board measure, hemlock timber.....per 1,000 ft..	20 00	200 00	
4,000 feet, board measure, hemlock plank.....do.....	20 00	80 00	
100 pounds spikes and nails.....per lb..	06	6 00	
			2 086 00
200 cubic yards masonry, arch culvert.....per cu. yd..	9 00	1,800 00	
10,000 feet, board measure, hemlock timber.....per 1,000 ft..	20 00	200 00	
4,000 feet, board measure, hemlock plank.....do.....	20 00	80 00	
100 pounds iron spikes and nails.....per lb..	06	6 00	
			2,086 00
740 cubic yards masonry in waste-weir.....per cu. yd..	9 00	6,660 00	
166,900 feet, board measure, hemlock timber.....per 1,000 ft..	20 00	3,338 00	
34,000 feet, board measure, hemlock plank.....do.....	45 00	1,530 00	
500 pounds iron spikes and nails.....per lb..	06	30 00	
			11,558 00

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Estimated cost of section from Fort Plain, &c.—Continued.

Quantities and items.	Price.	Amount.	Total.
635 cubic yards masonry in waste-weir ..... per cu. yd..	$9 00	$5, 715 00	
20,000 feet, board measure, oak timber..... per 1,000 ft..	60 00	1, 200 00	
181,800 feet, board measure, hemlock ..... do.. ...	20 00	3, 636 00	
41,000 feet, board measure, pine ..... do.....	45 00	1, 845 00	
600 pounds iron spikes and nails..... per lb..	06	36 00	
			$12, 432 00
750 cubic yards masonry in waste-weir. ..... per cu. yd..	9 00	6, 750 00	
25,000 feet, board measure, oak timber..... per 1,000 ft..	60 00	1, 500 00	
42,000 feet, board measure, pine ..... do.....	45 00	1, 890 00	
184,000 feet, board measure, hemlock ..... do.....	20 00	3, 680 00	
600 pounds iron spikes and nails ..... per lb..	06	36 00	
			13, 856 00
Small waste-weirs.			
12 cubic yards masonry..... per cu. yd..	6 00	72 00	
2,000 feet, board measure, pine..... per 1,000 ft..	45 00	90 00	
50 pounds iron spikes and nails..... per lb..	06	3 00	
			165 00
12 cubic yards masonry..... per cu. yd..	6 00	72 00	
2,000 feet, board measure, pine..... per 1,000 ft..	45 00	90 00	
50 pounds iron spikes and nails ..... per lb..	06	3 00	
			165 00
12 cubic yards masonry..... per cu. yd..	6 00	72 00	
2,000 feet, board measure, pine..... per 1,000 ft..	45 00	90 00	
50 pounds iron spikes and nails..... per lb..	06	3 00	
			165 00
Carried forward.....	.....	.....	7, 409, 123 00

Estimated cost of section from lock 29, *station* 1959 + 60, *to lock* 23, *station* 2928 + 63.

Quantities and items.	Price.	Amount.	Total.
Brought forward	.....	.....	$7,409,123 00
2,244,500 cubic yards earth-excavation..... per cu. yd.	$0 28	$628, 460 00	
42,000 cubic yards rock-excavation ..... do....	1 00	42, 000 00	
112,400 cubic yards puddling ..... do....	30	33, 720 00	
148,332 cubic yards slope-wall ..... do....	1 75	259, 581 00	
137,144 cubic yards lining ..... do....	50	68, 572 00	
26,918 cubic yards graveling, tow-path ..... do....	50	13, 459 00	
			1, 045, 792 00
Port Jackson Aqueduct.			
557 cubic yards masonry ..... per cu. yd	4 00	2, 228 00	
435 cubic yards masonry face-work ..... do...	9 00	3, 915 00	
663 cubic yards masonry concrete ..... do....	5 00	3, 315 00	
6 cubic yards masonry coping ..... do....	13 00	78 00	
11,600 feet, board measure, hemlock ..... per 1,000 ft.	20 00	232 00	
			9,768 00
Philips Aqueduct.			
326 cubic yards masonry ..... per cu. yd	4 00	1, 304 00	
1,035 cubic yards masonry face-work ..... do....	9 00	9, 315 00	
12 cubic yards masonry coping ..... do....	13 00	156 00	
21,650 feet, board measure, hemlock ..... per 1,000 ft	20 00	433 00	
217,800 feet, board measure, oak ..... do....	60 00	13, 068 00	
34,200 feet, board measure, pine ..... do....	45 00	1, 539 00	
19,950 pounds iron spikes and nails, &c..... per lb	06	1, 197 00	
			27,012 00
Sansai Kill Aqueduct.			
288 cubic yards masonry ..... per cu. yd	4 00	1, 152 00	
771 cubic yards masonry face-work ..... ds....	9 00	6, 939 00	
10 cubic yards masonry coping ..... do....	13 00	130 00	
18,050 feet, board measure, hemlock..... per 1,000 ft.	20 00	361 00	
157,700 feet, board measure, oak ..... do....	60 00	9, 462 00	
24,800 feet, board measure, pine ..... do....	45 00	1, 116 00	
14,590 pounds iron ..... per lb	06	870 00	
			20,030 00
2,520 linear feet, 18 road-bridges ..... per lin. ft	25 00	63, 000 00	
280 linear feet, 2 road-bridges..... do....	35 00	9, 800 00	
3,080 cubic yards bridge masonry ..... per cu. yd	8 00	24, 640 00	
			97,440 00
455 cubic yards culvert masonry ..... per cu. yd.	9 00	4, 095 00	
35,000 feet, board measure, hemlock ..... per 1,000 ft.	20 00	700 00	
100 pounds spikes and nails..... per lb.	06	6 00	
			4,801 00

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From lock 29, *station* 1959 + 60, *to lock* 23, *&c.*—Continued.

Quantities and items.	Price.	Amount.	Total.
380 cubic yards culvert masonry ..... per cu. yd.	$9 00	$3, 420 00	
25,000 feet, board measure, hemlock ..... per 1,000 ft.	20 00	500 00	
100 pounds spikes and nails ..... per lb.	06	6 00	
			$1,926 00
195 cubic yards culvert masonry ..... per cu. yd.	9 00	1, 755 00	
10,700 feet, board measure, hemlock ..... per 1,000 ft.	20 00	214 00	
50 pounds spikes and nails ..... per lb.	06	3 00	
			1, 972 00
195 cubic yards culvert masonry ..... per cu. yd.	9 00	1, 755 00	
10,700 feet, board measure, hemlock ..... per 1,000 ft.	20 00	214 00	
50 pounds spikes and nails ..... per lb.	06	3 00	
			1, 972 00
300 cubic yards culvert masonry ..... per cu. yd	9 00	2, 700 00	
20,000 feet, board measure, hemlock ..... per 1,000 ft.	20 00	400 00	
100 pounds spikes and nails ..... per lb.	06	6 00	
			3, 106 00
300 cubic yards culvert masonry ..... per cu. yd.	9 00	2, 700 00	
20,000 feet, board measure, hemlock ..... per 1,000 ft.	20 00	400 00	
100 pounds spikes and nails ..... per lb.	06	6 00	
			3, 106 00
Carried forward			$, 628, 048 00

Estimated cost of section from lock No. 23, *station* 2928+63, *to lock* 18, *station* 4095+59.

Quantities and items.	Price.	Amount.	Total.
Brought forward			$8, 628, 048 00
2,370,000 cubic yards earth-excavation ..... per cu. yd	$0 28	$663, 600 00	
450,000 cubic yards rock-excavation ..... do....	1 00	450, 000 00	
113,400 cubic yards puddling ..... do....	30	34, 020 00	
12,210 cubic yards vertical wall ..... do....	5 00	61, 050 00	
169,484 cubic yards slope-wall ..... do....	1 75	296, 597 00	
148,000 cubic yards lining ..... do....	50	74, 000 00	
32,414 cubic yards graveling tow-path ..... do....	50	16, 207 00	
			1, 595, 474 00
Upper Mohawk aqueduct.			
2,643 cubic yards masonry, foundation and backing ..... per cu. yd.	4 00	10, 572 00	
2,749 cubic yards masonry, face-work ..... do....	9 00	24, 741 00	
50 cubic yards masonry, coping ..... do....	13 00	650 00	
745,150 feet oak, board-measure ..... per 1,000 feet.	60 00	44, 709 00	
129,280 feet pine, board-measure ..... do....	45 00	5, 814 00	
74,350 pounds iron ..... per lb.	06	4, 461 00	
1,259 cubic yards rock-excavation ..... per cu. yd.	2 00	2, 590 00	
			93, 537 00
Lower Mohawk aqueduct.			
1,334 cubic yards masonry, foundation and backing ..... per cu. yd.	4 00	5, 336 00	
4,239 cubic yards masonry, face-work ..... do....	9 00	38, 151 00	
76 cubic yards masonry, coping ..... do....	13 00	988 00	
1,266,700 feet oak, board-measure ..... per 1,000 ft.	60 00	76, 002 00	
219,600 feet pine, board-measure ..... do....	45 00	9, 882 00	
195,400 pounds iron ..... per lb.	06	7, 584 00	
566 cubic yards rock-excavation ..... per cu. yd.	2 00	1, 132 00	
			139, 075 00
4,200 linear feet, 30 road-bridges ..... per lin. ft.	25 00	105, 000 00	
560 linear feet, 4 road-bridges ..... do....	34 00	19, 040 00	
140 linear feet, 1 road-bridge ..... do....	42 00	5, 880 00	
140 linear feet, 1 road-bridge ..... do....	46 00	6, 440 00	
140 linear feet, 1 road-bridge ..... do....	75 00	10, 500 00	
140 linear feet, 1 road-bridge ..... do....	80 00	11, 200 00	
140 linear feet, 1 railroad-bridge ..... do....	35 00	4, 900 00	
140 linear feet, 1 railroad-bridge ..... do....	100 00	14, 000 00	
7,220 cubic yards bridge masonry ..... per cu. yd.	8 00	57, 760 00	
			234, 720 00
195 cubic yards culvert-masonry ..... do....	9 00	1, 755 00	
14,000 feet hemlock, board-measure ..... per 1,000 ft.	20 00	280 00	
50 pounds spikes and nails ..... per lb.	06	3 00	
			2, 038 00
915 cubic yards arch-culvert masonry ..... per cu. yd.	9 00	8, 235 00	
43,400 feet hemlock, board-measure ..... per 1,000 ft.	20 00	868 00	
200 pounds spikes and nails ..... per lb.	06	12 00	
			9, 115 00
890 cubic yards arch-culvert masonry ..... per cu. yd.	9 00	8, 010 00	
42,000 feet hemlock, board-measure ..... per 1,000 ft.	20 00	840 00	
200 pounds spikes and nails ..... per lb.	06	12 00	
			8, 862 00
195 cubic yards arch-culvert masonry ..... per cu. yd.	9 00	1, 755 00	
14,000 feet hemlock, board-measure ..... per 1,000 ft.	20 00	280 00	
50 pounds spikes and nails ..... per lb.	06	3 00	
			2, 038 00

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Estimated cost of section from Fort Plain, &c.—Continued.

Quantities and items.	Price.	Amount.	Total.
635 cubic yards masonry in waste-weir ..... per cu. yd..	$9 00	$5,715 00	
20,000 feet, board measure, oak timber ..... per 1,000 ft..	60 00	1,200 00	
181,800 feet, board measure, hemlock ..... do..	20 00	3,636 00	
41,000 feet, board measure, pine ..... do.....	45 00	1,845 00	
600 pounds iron spikes and nails ..... per lb..	06	36 00	
			$12,432 00
750 cubic yards masonry in waste-weir. ..... per cu. yd..	9 00	6,750 00	
25,000 feet, board measure, oak timber ..... per 1,000 ft..	60 00	1,500 00	
42,000 feet, board measure, pine ..... do.....	45 00	1,890 00	
184,000 feet, board measure, hemlock ..... do.....	20 00	3,680 00	
600 pounds iron spikes and nails ..... per lb..	06	36 00	
			13,856 00
Small waste-weirs.			
12 cubic yards masonry ..... per cu. yd..	6 00	72 00	
2,000 feet, board measure, pine ..... per 1,000 ft..	45 00	90 00	
50 pounds iron spikes and nails ..... per lb..	06	3 00	
			165 00
12 cubic yards masonry ..... per cu. yd..	6 00	72 00	
2,000 feet, board measure, pine ..... per 1,000 ft..	45 00	90 00	
50 pounds iron spikes and nails ..... per lb..	06	3 00	
			165 00
12 cubic yards masonry ..... per cu. yd..	6 00	72 00	
2,000 feet, board measure, pine ..... per 1,000 ft..	45 00	90 00	
50 pounds iron spikes and nails ..... per lb..	06	3 00	
			165 00
Carried forward			7,409,123 00

Estimated cost of section from lock 29, station 1959 + 60, to lock 23, station 2928 + 63.

Quantities and items.	Price.	Amount.	Total.
Brought forward			$7,409,123 00
2,244,500 cubic yards earth-excavation ..... per cu. yd	$0 28	$622,460 00	
42,000 cubic yards rock-excavation ..... do....	1 00	42,000 00	
112,400 cubic yards puddling ..... do....	30	33,720 00	
148,332 cubic yards slope-wall ..... do....	1 75	259,581 00	
137,144 cubic yards lining ..... do....	50	68,572 00	
26,918 cubic yards graveling, tow-path ..... do....	50	13,459 00	
			1,045,792 00
Port Jackson Aqueduct.			
557 cubic yards masonry ..... per cu. yd	4 00	2,228 00	
435 cubic yards masonry face-work ..... do...	9 00	3,915 00	
663 cubic yards masonry concrete ..... do....	5 00	3,315 00	
6 cubic yards masonry coping ..... do....	13 00	78 00	
11,600 feet, board measure, hemlock ..... per 1,000 ft.	20 00	232 00	
			9,768 00
Philips Aqueduct.			
326 cubic yards masonry ..... per cu. yd.	4 00	1,304 60	
1,035 cubic yards masonry face-work ..... do....	9 00	9,315 00	
12 cubic yards masonry coping ..... do....	13 00	156 00	
21,650 feet, board measure, hemlock ..... per 1,000 ft.	20 00	433 00	
217,800 feet, board measure, oak ..... do....	60 00	13,068 00	
34,200 feet, board measure, pine ..... do....	45 00	1,539 00	
19,950 pounds iron spikes and nails, &c ..... per lb.	06	1,197 00	
			27,012 00
Sansai Kill Aqueduct.			
288 cubic yards masonry ..... per cu. yd	4 00	1,152 00	
771 cubic yards masonry face-work ..... ds....	9 00	6,939 00	
10 cubic yards masonry coping ..... do....	13 00	130 00	
18,050 feet, board measure, hemlock ..... per 1,000 ft.	20 00	361 00	
157,700 feet, board measure, oak ..... do....	60 00	9,462 00	
24,800 feet, board measure, pine ..... do....	45 00	1,116 00	
14,590 pounds iron ..... per lb	06	870 00	
			20,030 00
2,520 linear feet, 18 road-bridges ..... per lin. ft	25 00	63,000 00	
280 linear feet, 2 road-bridges ..... do....	35 00	9,800 00	
3,080 cubic yards bridge masonry ..... per cu. yd	8 00	24,640 00	
			97,440 00
455 cubic yards culvert masonry ..... per cu. yd.	9 00	4,095 00	
35,000 feet, board measure, hemlock ..... per 1,000 ft.	20 00	700 00	
100 pounds spikes and nails ..... per lb.	06	6 00	
			4,801 00

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From lock 29, *station* 1959 + 60, *to lock* 23, *&c.*—Continued.

Quantities and items.	Price.	Amount.	Total.
380 cubic yards culvert masonry ..... per cu. yd.	$9 00	$3, 420 00	
25,000 feet, board measure, hemlock ..... per 1,000 ft	20 00	500 00	
100 pounds spikes and nails ..... per lb.	06	6 00	
			$3,926 00
195 cubic yards culvert masonry ..... per cu. yd.	9 00	1, 755 00	
10,700 feet, board measure, hemlock ..... per 1,000 ft.	20 00	214 00	
50 pounds spikes and nails ..... per lb.	06	3 00	
			1, 972 00
195 cubic yards culvert masonry ..... per cu. yd.	9 00	1, 755 00	
10,700 feet, board measure, hemlock ..... per 1,000 ft.	20 00	214 00	
50 pounds spikes and nails ..... per lb.	06	3 00	
			1, 972 00
300 cubic yards culvert masonry ..... per cu. yd	9 00	2, 700 00	
20,000 feet, board measure, hemlock ..... per 1,000 ft.	20 00	400 00	
100 pounds spikes and nails ..... per lb.	06	6 00	
			3, 106 00
300 cubic yards culvert masonry ..... per cu. yd.	9 00	2, 700 00	
20,000 feet, board measure, hemlock ..... per 1,000 ft.	20 00	400 00	
100 pounds spikes and nails ..... per lb..	06	6 00	
			3, 106 00
Carried forward			8, 628, 048 00

Estimated cost of section from lock No. 23, *station* 2923+63, *to lock* 18, *station* 4095+59.

Quantities and items.	Price.	Amount.	Total.
Brought forward			$8, 628, 048 00
2,370,000 cubic yards earth-excavation ..... per cu. yd.	$0 28	$663, 600 00	
450,000 cubic yards rock-excavation ..... do....	1 00	450, 000 00	
113,400 cubic yards puddling ..... do....	30	34, 020 00	
12,210 cubic yards vertical wall ..... do....	5 00	61, 050 00	
169,464 cubic yards slope-wall ..... do....	1 75	296, 597 00	
148,000 cubic yards lining ..... do....	50	74, 000 00	
32,414 cubic yards graveling tow-path ..... do....	50	16, 207 00	
			1, 595, 474 00
Upper Mohawk aqueduct.			
2,643 cubic yards masonry, foundation and backing ..... per cu. yd.	4 00	10, 572 00	
2,749 cubic yards masonry, face-work ..... do....	9 00	24, 741 00	
50 cubic yards masonry, coping ..... do....	13 00	650 00	
745,150 feet oak, board-measure ..... per 1,000 feet.	60 00	44, 709 00	
129,280 feet pine, board-measure ..... do....	45 00	5, 814 00	
74,350 pounds iron ..... per lb.	06	4, 461 00	
1,259 cubic yards rock-excavation ..... per cu. yd.	2 00	2, 590 00	
			93, 537 00
Lower Mohawk aqueduct.			
1,334 cubic yards masonry, foundation and backing ..... per cu. yd.	4 00	5, 336 00	
4,339 cubic yards masonry, face-work ..... do....	9 00	38, 151 00	
76 cubic yards masonry, coping ..... do....	13 00	988 00	
1,266,700 feet oak, board-measure ..... per 1,000 ft.	60 00	76, 002 00	
209,600 feet pine, board-measure ..... do....	45 00	9, 882 00	
126,400 pounds iron ..... per lb.	06	7, 584 00	
588 cubic yards rock-excavation ..... per cu. yd.	2 00	1, 132 00	
			139, 075 00
4,200 linear feet, 30 road-bridges ..... per lin. ft.	25 00	105, 000 00	
560 linear feet, 4 road-bridges ..... do....	34 00	19, 040 00	
140 linear feet, 1 road-bridge ..... do....	42 00	5, 880 00	
140 linear feet, 1 road-bridge ..... do....	46 00	6, 440 00	
140 linear feet, 1 road-bridge ..... do....	75 00	10, 500 00	
140 linear feet, 1 road-bridge ..... do....	80 00	11, 200 00	
140 linear feet, 1 railroad-bridge ..... do....	35 00	4, 900 00	
140 linear feet, 1 railroad-bridge ..... do....	100 00	14, 000 00	
7,220 cubic yards bridge masonry ..... per cu. yd.	8 00	57, 760 00	
			234, 720 00
195 cubic yards culvert-masonry ..... do....	9 00	1, 755 00	
14,000 feet hemlock, board-measure ..... per 1,000 ft.	20 00	280 00	
50 pounds spikes and nails ..... per lb.	06	3 00	
			2, 038 00
915 cubic yards arch-culvert masonry ..... per cu. yd.	9 00	8, 235 00	
2,400 feet hemlock, board-measure ..... per 1,000 ft.	20 00	868 00	
200 pounds spikes and nails ..... per lb.	06	12 00	
			9, 115 00
890 cubic yards arch-culvert masonry ..... per cu. yd.	9 00	8, 010 00	
2,000 feet hemlock, board-measure ..... per 1,000 ft.	20 00	840 00	
200 pounds spikes and nails ..... per lb.	06	12 00	
			8, 862 00
195 cubic yards arch-culvert masonry ..... per cu. yd.	9 00	1, 755 00	
14,000 feet hemlock, board-measure ..... per 1,000 ft.	20 00	280 00	
50 pounds spikes and nails ..... per lb.	06	3 00	
			2, 038 00

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From lock 23, *station* 2928 + 63, *to lock* 18, *&c.*—Continued.

Quantities and items.	Price.	Amount.	Total.
192 cubic yards box-culvert masonry ..... per cu. yd	$4 00	$768 00	
14,000 feet hemlock, board-measure..... per 1,000 ft.	20 00	280 00	
50 pounds spikes and nails..... per lb.	06	3 00	
			$1,051 00
195 cubic yards arch-culvert masonry..... per cu. yd	9 00	1,755 00	
10,000 feet hemlock, board-measure..... per 1,000 ft.	20 00	200 00	
50 pounds spikes and nails..... per lb.	06	3 00	
			1,958 00
192 cubic yards box-culvert masonry ..... per cu. yd.	4 00	768 00	
14,000 feet hemlock, board-measure ..... per 1,000 ft.	20 00	280 00	
50 pounds spikes and nails..... per lb.	06	3 00	
			1,051 00
448 cubic yards masonry in waste-weir ..... per cu. yd.	9 00	4,032 00	
34,800 feet oak timber and plank, board-measure ..... per 1,000 ft.	60 00	2,088 00	
1,800 pounds iron, spikes, nails, &c ..... per lb.	06	108 00	
			6,228 00
128 cubic yards masonry in waste-weir..... per cu. yd.	9 00	1,152 00	
8,300 feet oak timber and plank, board-measure ..... per 1,000 ft.	60 00	498 90	
200 pounds iron, spikes, and nails..... per lb.	06	12 00	
			1,662 00
1,800 feet oak, waste-weir of wood, board-measure. .... per 1,000 ft.	60 00	108 00	
50 pounds iron, spikes, and nails..... per lb.	06	3 00	
			111 00
Carried forward	.....	.....	10,724,968 00

Estimated cost of section from lock 18, *station* 4095+59, *to lock* 13, *station* 4157+71.

Quantities and items.	Price.	Amount.	Total.
Brought forward	.....	.....	$10,724,968 00
152,800 cubic yards earth-excavation..... per cu. yd.	$0 28	$42,784 00	
94,000 cubic yards rock-excavation..... do....	1 00	94,000 00	
9,482 cubic yards vertical wall ..... do....	5 00	47,410 00	
1,860 cubic yards slope-wall ..... do....	1 75	3,255 00	
3,718 cubic yards lining..... do....	50	1,859 00	
1,726 cubic yards graveling tow-path ..... do....	50	863 00	
			190,171 00
860 cubic yards masonry in bridge-abutments ..... per . cu. yd.	8 00	.....	6,880 00
140 linear feet, 1 road-bridge..... per lin. ft.	25 00	3,500 00	
140 linear feet, 1 road-bridge..... do....	39 00	5,460 00	
140 linear feet, 1 road-bridge..... do....	43 00	6,020 00	
			14,980 00
Carried forward	.....	.....	10,936,999 00

Estimated cost of section from lock 13, *station* 4157+71, *to lock* 3, *station* 4270+8, *Troy.*

Quantities and items.	Price.	Amount.	Total.
Brought forward	.....	.....	$10,936,999 00
52,500 cubic yards earth-excavation ..... per cu. yd.	$0 28	$14,700 00	
132,600 cubic yards rock-excavation ..... do....	1 00	132,600 00	
10,5000 cubic yards puddling ..... do....	30	3,150 00	
13,544 cubic yards slope-wall..... do....	1 75	23,702 00	
11,608 cubic yards lining..... do....	50	5,804 00	
3,124 cubic yards graveling tow-path ..... do....	50	1,562 00	
			181,518 00
280 linear feet, 2 bridges, superstructure ..... per lin. ft.	25 00	7,000 00	
140 linear feet, 1 bridge, superstructure ..... do....	35 00	4,900 00	
140 linear feet, 1 bridge, superstructure..... do....	45 00	6,300 00	
744 cubic yards bridge-masonry ..... per cu. yd.	6 00	4,464 00	
195 cubic yards arch-culvert masonry ..... do....	9 00	1,755 00	
10,800 feet hemlock, board-measure ..... per 1,000 ft.	20 00	216 00	
50 pounds iron, spikes and nails..... per lb.	06	3 00	
			24,638 00
330 cubic yards arch-culvert masonry ..... per cu. yd.	9 00	2,970 00	
16,500 feet hemlock timber and plank, board-measure ... per 1,000 ft.	20 00	330 00	
50 pounds spikes and nails..... per lb.	06	3 00	
			3,303 00
1,800 feet oak in waste-weir, board-measure ..... per 1,000 ft.	60 00	108 00	
50 pounds iron, spikes and nails..... per lb.	06	3 00	
			111 00
36 cubic yards masonry in waste-weir ..... per cu. yd.	9 00	324 00	
4,900 feet oak, board-measure..... per 1,000 ft.	60 00	294 00	
50 pounds spikes and nails..... per lb.	06	3 00	
			621 00
Carried forward	.....	.....	11,147,190 00

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From lock 3, station 427+08, at Troy, to station 4612+61, lower lock-gate, Albany.

Quantities and items.	Price.	Amount.	Total.
Brought forward			$11,147,190 00
1,913,600 cubic yards earth-excavation ... per cu. yd.	$0 28	$283,808 00	
117,600 cubic yards rock-excavation ... do.	1 00	117,600 00	
40,400 cubic yards puddling ... do.	30	12,120 00	
89,200 cubic yards vertical wall ... do.	5 00	446,000 00	
20,000 cubic yards lining ... do.	50	10,000 00	
9,300 cubic yards graveling tow-path ... do.	50	4,650 00	
			874,178 00
1,400 linear feet, 10 road-bridges ... per lin. ft.	25 00	35,000 00	
1,540 linear feet, 11 road-bridges ... do.	39 00	60,060 00	
140 linear feet, 1 road-bridge ... do.	46 00	6,440 00	
140 linear feet, 1 road-bridge ... do.	67 00	9,380 00	
140 linear feet, 1 railroad-bridge ... do.	70 00	9,800 00	
			120,680 00
4,924 cubic yards bridge-masonry ... per cu. yd.	8 00		39,392 00
470 cubic yards arch-culvert masonry ... do.	9 00	4,230 00	
22,500 feet hemlock timber and plank, board-measure ... per 1,000 ft.	20 00	450 00	
100 pounds iron, spikes and nails ... per lb.	06	6 00	
			4,686 00
348 cubic yards arch-culvert masonry ... per cu. yd.	9 00	3,132 00	
14,500 feet hemlock timber and plank, board-measure ... per 1,000 ft.	20 00	290 00	
100 pounds spikes and nails ... per lb.	06	6 00	
			3,428 00
42 cubic yards box-culvert masonry ... per cu. yd.	4 00	168 00	
6,000 feet hemlock timber and plank, board-measure ... per 1,000 ft.	20 00	120 00	
50 pounds spikes and nails ... per lb.	06	3 00	
			291 00
68 cubic yards arch-culvert masonry ... per cu. yd	9 00	612 00	
6,000 feet hemlock timber and plank, board-measure ... per 1,000 ft.	20 00	120 00	
50 pounds spikes and nails ... per lb.	06	3 00	
			735 00
134 cubic yards arch-culvert masonry ... per cu. yd.	9 00	1,206 00	
11,000 feet hemlock timber and plank, board-measure ... per 1,000 ft.	20 00	220 00	
50 pounds spikes and nails ... per lb	06	3 00	
			1,429 00
788 cubic yards masonry, culvert and waste-weir ... per cu. yd.	9 00	7,092 00	
46,000 feet hemlock timber and plank, board-measure ... per 1,000 ft.	20 00	920 00	
28,000 feet oak timber and plank, board-measure ... do.	60 00	1,680 00	
20,000 feet pine plank, board-measure ... do.	45 00	900 00	
500 pounds spikes and nails ... per lb.	06	30 00	
			10,622 00
Waste-weir.			
4,500 feet oak timber and plank, board-measure ... per 1,000 feet	60 00	270 00	
100 pounds spikes and nails ... per lb.	06	6 00	
			276 00
Removing Troy weigh-lock			700 00
Total			12,203,607 00

Estimate of lock No. 1, Erie Canal, 15½ feet lift.

Quantities and items.	Price.	Amount.	Total.
Grubbing and clearing		$200 00	
Bailing and draining		7,000 00	
11,300 cubic yards earth-excavation ... per cu. yd.	$0 28	3,164 00	
500 cubic yards embankment ... do.	28	140 00	
100 cubic yards lining ... do.	50	50 00	
120 cubic yards puddling-earth ... do.	30	36 00	
170 cubic yards loose stone ... do.	1 50	255 00	
120 cubic yards vertical wall in cement ... do.	6 00	720 00	
120 cubic yards vertical wall, dry ... do.	3 00	360 00	
4,525 cubic yards masonry in lock-walls ... do.	13 00	58,825 00	
350 cubic yards concrete-masonry ... do.	5 00	1,750 00	
47,600 feet, b. m., white-oak timber, &c ... per 1,000 ft.	60 00	2,856 00	
22,300 feet, b. m., white-pine timber, &c ... do.	45 00	823 50	
186,000 feet, b. m., hemlock ... do.	20 00	3,720 00	
19,000 linear feet bearing-piles, delivered ... per lin. ft.	15	2,850 00	
18,000 linear feet bearing-piles, driven ... do.	10	1,800 00	
18,500 pounds wrought iron ... per pound	12	1,980 00	
8,500 pounds cast iron ... do.	8	680 00	
4,100 pounds spikes and nails ... do.	6	246 00	
Sulphur and sand cement		100 00	
Painting gates		30 00	
100 linear feet snubbing-posts ... per lin. ft.	60	60 00	
			$87,645 50

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Estimate of lock No. 15, Erie Canal, 10 feet lift.

Quantities and items.	Price.	Amount.	Total.
Grubbing and clearing		$200 00	
Bailing and draining		2,500 00	
6,500 cubic yards excavation of earth ... per cu. yd.	$0 28	1,820 00	
3,500 cubic yards excavation of slate-rock ... do.	1	3,500 00	
1,500 cubic yards embankment ... do.	28	420 00	
150 cubic yards lining ... do.	50	75 00	
400 cubic yards puddling-earth ... do.	30	120 00	
170 cubic yards loose stone ... do.	1 50	255 00	
120 cubic yards vertical wall in cement ... do.	6 00	720 00	
140 cubic yards vertical wall, dry ... do.	3 00	420 00	
3,328 cubic yards masonry in lock-walls ... do.	13 00	43,264 00	
350 cubic yards concrete-masonry ... do.	5 00	1,750 00	
42,300 feet, board-measure, white-oak timber, &c ... per 1,000 ft.	60 00	2,538 00	
17,100 feet, board-measure, white-pine timber, &c ... do.	5 00	769 50	
174,200 feet, board-measure, hemlock timber, &c ... do.	20 00	3,484 00	
12,000 pounds wrought iron ... per pound	12	1,440 00	
8,500 pounds cast iron ... do.	8	680 00	
4,100 pounds spikes and nails ... do.	6	246 00	
Sulphur and sand cement		100 00	
Painting		80 00	
100 linear feet snubbing-posts ... per lin. ft.	60	60 00	
			$64,391 50

Estimate of lock No. 39, Erie Canal, 10½ feet lift.

Quantities and items.	Price.	Amount.	Total.
Grubbing and clearing		$200 00	
Bailing and draining		3,000 00	
11,800 cubic yards rock-excavation, with blasting ... per cu. yd.	$1 00	11,800 00	
1,000 cubic yards embankment ... do.	28	280 00	
100 cubic yards lining ... do.	50	50 00	
100 cubic yards puddling-earth ... do.	30	30 00	
110 cubic yards slope-wall and paving ... do.	2 00	220 00	
170 cubic yards loose stone ... do.	1 50	255 00	
120 cubic yards vertical wall, in cement ... do.	6 00	720 00	
130 cubic yards vertical wall, dry ... do.	3 00	390 00	
3,495 cubic yards masonry in lock-walls ... do.	13 00	45,435 00	
350 cubic yards concrete-masonry ... do.	5 00	1,750 00	
44,700 feet, board-measure, white-oak timber, &c ... per 1,000 ft	60 00	2,682 00	
17,200 feet, board-measure, white-pine timber ... do.	45 00	774 00	
201,400 feet, board-measure, hemlock timber ... do.	20 00	4,028 00	
12,000 pounds wrought iron ... per lb.	12	1,440 00	
8,500 pounds cast iron ... do.	08	680 00	
4,100 pounds spikes and nails ... do.	06	246 00	
Sulphur and sand cement		100 00	
Painting		30 00	
100 linear feet snubbing-posts ... per lin. ft	06	60 00	
			$74,170 00

Estimated cost of lock No. 44, Erie Canal, 10½ feet lift.

Quantities and items.	Price.	Amount.	Total.
Grubbing and clearing		$200 00	
Bailing and draining		1,500 00	
9,200 cubic yards excavation of earth ... per cu. yd.	$0 28	2,576 00	
1,200 cubic yards embankment ... do.	28	336 00	
120 cubic yards lining ... do.	50	60 00	
130 cubic yards puddling-earth ... do.	30	39 00	
100 cubic yards slope-wall and paving ... do.	2 00	200 00	
170 cubic yards loose stone ... do.	1 50	255 00	
120 cubic yards vertical wall, in cement ... do.	6 00	720 00	
160 cubic yards vertical wall, dry ... do.	3 00	480 00	
3,425 cubic yards masonry in lock-walls ... do.	13 00	44,525 00	
350 cubic yards concrete-masonry ... do.	5 00	1,750 00	
45,000 feet, board-measure, white-oak timber, &c ... per 1,000 ft	60 00	2,700 00	
17,200 feet, board-measure, white-pine timber ... do.	45 00	774 00	
184,800 feet, board-measure, hemlock timber ... do.	20 00	3,696 00	
19,000 linear feet bearing-piles, delivered ... per lin. ft.	15	2,850 00	
16,000 linear feet bearing-piles, driven ... do.	10	1,600 00	
12,000 pounds wrought iron ... per lb.	12	1,440 00	
8,500 pounds cast iron ... do.	08	680 00	
4,100 pounds spikes and nails ... do.	06	246 00	
Sulphur and sand cement		100 00	
Painting		30 00	
100 linear feet snubbing-posts ... per lin. ft.	60	60 00	
			$66,817 00

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Erie Canal locks and their cost.

Number.	Locks.	Amount.
1	Lift-lock, 15½ feet lift	$87, 645 50
2	Lift-lock, 9 1-6 feet lift	63, 655 00
Troy side-cut.	Lower lock, 13 feet lift	78, 377 50
	Upper lock, 11 feet lift	71, 136 50
3	Lift-lock, 11½ feet lift	68, 991 50
4	.....do	66, 840 00
5	Lift-lock, 10 5-6 feet lift	67, 045 00
6	Lift-lock, 10 feet lift	69, 147 50
7	.....do	67, 863 50
8	.....do	63, 215 50
9	.....do	64, 438 50
10	.....do	62, 575 50
11	.....do	70, 816 00
12	.....do	68, 680 00
13	.....do	64, 628 50
14	.....do	63, 147 50
15	.....do	64, 391 50
16	.....do	62, 799 00
17	.....do	65, 908 50
18	Lift-lock, 10½ feet lift	68, 369 00
19	Lift-lock, 8½ feet lift	59, 079 00
20	Lift-lock, 10 feet lift	67, 227 50
21	Lift-lock, 11½ feet lift	72, 168 50
22	.....do	66, 984 50
23	Lift-lock, 8 feet lift	60, 218 00
24	.....do	60, 362 00
25	.....do	60, 279 00
26	.....do	61, 294 00
27	.....do	56, 453 00
28	.....do	60, 376 00
29	Lift lock, 7½ feet lift	52, 904 00
30	Lift-lock, 10½ feet lift	62, 742 00
31	Lift-lock, 6 feet lift	50, 189 00
32	Lift-lock, 8 feet lift	56, 095 00
33	Lift-lock, 6 feet lift	52, 349 00
34	Lift-lock, 8 feet lift	58, 025 00
35	.....do	57, 484 00
36	Lift-lock, 10 feet lift	63, 958 50
37	.....do	73, 665 50
38	Lift-lock, 9½ feet lift	71, 283 00
39	Lift-lock, 10½ feet lift	74, 170 00
40	Lift-lock, 8 feet lift	57, 448 00
41	.....do	57, 749 00
42	.....do	61, 777 00
43	.....do	61, 627 00
44	Lift-lock, 10½ feet lift	66, 817 00
45	.....do	67, 864 00
46	Lift-lock, 3 feet lift	48, 408 00
	Total	3, 078, 668 00

ONEIDA SHIP-CANAL—ERIE CANAL SECTION.

Protection-wall on the Mohawk River.

Quantities and items.	Price.	Amount.	Total.
11,476 cubic yards, from Rome to Little Falls.....per cu. yd..	$1 75	$20, 083	
63,272 cubic yards, from Little Falls to the Upper Mohawk aqueduct.....per cu. yd..	1 75	110, 726	
30,000 cubic yards, from the Upper Mohawk aqueduct to Lock No. 18, near Cohoes ..... per cu. yd..	1 75	52, 500	
			$183, 309

Detailed estimate of Fish Creek feeder.

Quantities and items.	Price.	Amount.	Total.
11 miles grubbing and clearing.....per mile..	$400 00	$4, 400	
11 miles bailing and draining .....do....	100 00	1, 100	
[illegible] cubic yards earth-excavation .....per cub. yd..	20	184, 000	
1,000 cubic yards rock-excavation .....do....	1 00	1, 000	
610,000 cubic yards embankment .....do....	25	152, 500	

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Detailed estimate of Fish Creek feeder—Continued.

Quantities and items.	Price.	Amount.	Total.
5,000 cubic yards lining ..... per cu. yd..	$0 50	$2,500	
3,000 cubic yards puddling-earth ..... do....	30	900	
2,000 cubic yards slope-wall ..... do....	2 00	4,000	
200 cubic yards vertical wall in cement..... do....	5 00	1,000	
800 cubic yards vertical wall, dry..... do..	3 00	2,400	
20,000 feet, board-measure, hemlock timber..... per 1,000 ft..	20 00	400	
			$354,200
Mechanical structures.			
9 box-culverts..... each..	1,620	14,580	
Extension of railroad-culverts.....	.....	5,857	
Railroad viaduct	.....	939	
Culvert at Station 386	.....	2,250	
East Branch aqueduct.....	.....	19,500	
Wood Creek aqueduct.....	.....	7,500	
Canada Creek aqueduct	.....	4,500	
Dam across West Branch.....	.....	7,560	
Dam across East Branch.....	.....	3,750	
Culvert at Beaver Creek.....	.....	2,700	
Bridges	.....	5,050	
Drop into canal.....	.....	1,950	
			76,076
			430,276

Property-damages between Albany and Durhamville.

ONEIDA SHIP-CANAL ROUTE.

Items.	No. acres.	Price per acre.	Amount.
Durhamville.....	.....	.....	$12,000 00
Land.....	42.81	$100 00	4,281 00
Higginsville.....	.....	.....	8,000 00
Land.....	38.76	100 00	3,876 00
New London	.....	.....	3,000 00
Land.....	71.28	100 00	7,128 00
Rome	.....	.....	14,000 00
Land.....	102.89	100 00	10,289 00
Whitestown	.....	.....	14,600 00
Land.....	6.91	100 00	691 00
Yorkville	.....	.....	4,000 00
Land.....	17.21	100 00	1,721 00
Utica	.....	.....	447,800 00
Land.....	100.27	100 00	10,027 00
Frankfort	.....	.....	29,500 00
Land.....	13.13	100 00	1,313 00
Ilion	.....	.....	50,000 00
Mohawk	.....	.....	25,100 00
Land.....	84.16	100 00	8,416 00
Little Falls	.....	.....	150,000 00
Land.....	169.21	100 00	16,921 00
Fort Plain	.....	.....	21,800 00
Land.....	91.71	100 00	9,171 00
Canajoharie	.....	.....	7,500 00
Land.....	73.46	100 00	7,346 00
Fultonville.....	.....	.....	96,600 00
Port Jackson.....	.....	.....	48,000 00
Hoffman's Ferry	.....	.....	3,500 00
Land.....	316.85	100 00	31,685 00
Schenectady.....	.....	.....	174,000 00
Land.....	42.56	100 00	4,256 00
Upper Aqueduct	.....	.....	30,600 00
Land.....	142.33	100 00	14,233 00
Crescent	.....	.....	9,800 00
Land.....	34.71	100 00	3,471 00
Cohoes	.....	.....	93,400 00
Land.....	14.17	100 00	1,417 00
Cohoes to West Troy.....	.....	.....	13,000 00
West Troy	.....	.....	190,700 00
Port Schuyler	.....	.....	61,200 00
Troy Road.....	.....	.....	21,000 00
Land.....	25.00	300 00	7,500 00
Albany.....	.....	.....	175,000 00
Total.....	.....	.....	1,847,842 00

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ONEIDA SHIP-CANAL.

First Summary—From Durhamville to Albany.

Specification of estimates for—		
Excavation embankment, puddling slope and vertical walls, culverts, aqueducts, bridges, and tow-paths		$12,203,607 00
Locks, including side-cut locks at Troy		3,078,668 00
Protection-walls on Mohawk River		183,309 00
		15,465,584 00
Add 10 per cent. for engineering and contingencies	$1,546,558 40	
Fish Creek feeder	430,276 00	
Land-damages	1,847,842 00	
		3,824,676 40
Total from Durhamville to Albany		19,290,260 40

Summary of the estimates for the construction of the Oneida Ship-Canal from Oswego to Albany.

Estimates.	Miles.	Cost of construction.	Land-damages.	Total cost.
Oswego to Durhamville by the cross-cut line and Oneida Lake.	61.067	$5,526,255 35		
Durhamville to lower side-cut, Troy, on the line of the Erie Canal.	134.996	16,107,857 15		
From lower side-cut, Troy, to Lock No. 1, Albany Basin.	4.385	904,285 25		
Land-damages:				
Oswego to Durhamville			$397,341 50	
Durhamville to Troy			1,583,142 00	
Troy to Albany			264,700 00	
Total	200.448	22,538,397 75	2,245,183 50	$24,783,581 25
Fish Creek feeder				430,276 00
Grand total				25,213,857 25
Oswego to Durhamville by the Oneida River and Oneida Lake.	68.555	4,509,131 55		
Durhamville to lower side-cut, Troy, on the line of the Erie Canal.	134.996	16,107,857 15		
From lower side-cut, Troy, to Lock No. 1, Albany Basin.	4.385	904,285 25		
Land-damages:				
Oswego to Durhamville			452,320 50	
Durhamville to Troy			1,583,142 00	
Troy to Albany			264,700 00	
Total	207.936	21,521,273 95	2,300,162 50	23,821,436 45
Fish Creek feeder				430,276 00
Grand total				24,251,712 45

THE CHAMPLAIN SHIP-CANAL ROUTE.

Report of Mr. C. A. Fuller, assistant engineer.

UNITED STATES ENGINEER OFFICE,
Oswego, December 18, 1874.

SIR: In compliance with your instructions of August 3, 1874, I have the honor herewith to submit a report, with maps, plans, and estimates on the proposed enlarged water-route from the Saint Lawrence River to Troy, on the Hudson River.

This route includes a ship-canal from Caughnawaga, on the Saint Lawrence, to Saint John's, on the Richelieu River; the Richelieu River and Lake Champlain to Whitehall, New York; a ship-canal from Whitehall to Fort Edward, on the Hudson River; and slackwater navigation from Fort Edward to Troy.

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By the plans and estimates herewith presented, it is contemplated to construct a ship-canal from Caughnawaga to the Chambly Canal, a distance of 23.62 miles; to enlarge the Chambly Canal to Saint John's, 8.88 miles; to deepen the Richelieu River, where necessary, between Saint John's and Rouse's Point, on Lake Champlain, a distance of 22 miles; to adopt the present channel through that lake to Whitehall, 111 miles in length; to construct a new ship-canal from Whitehall to Fort Edward, 24.13 miles long; and to slackwater the Hudson River thence to Troy, a distance of 39.8 miles; making the entire distance from the Saint Lawrence River, by the proposed route, to tide-water at Troy, 229.43 miles.

This distance may be divided as follows:

	Miles.
Canal navigation	56.63
River navigation	61.80
Lake navigation	110.00
Total	229.43

Your instructions not contemplating a regular survey of the proposed route, I have relied for the data on which my estimates are based on a personal reconnaissance of the entire line, and on maps, plans, and reports of surveys previously made, together with the results of a preliminary survey of the line between Whitehall and Fort Edward, made under my directions, during the months of September and October last.

In this report I propose to divide the subject into four parts, discussing each division under its proper head, and submitting estimates of the cost of each part of the work separately, to wit:

	Miles.
1. The Canada division, from Saint Lawrence to Lake Champlain	54.50
2. The Champlain division, from Rouse's Point to Whitehall	111.00
3. The Canal division, from Whitehall to Fort Edward	24.13
4. The Hudson River division, from Fort Edward to Troy	39.80

Canada division.

As this division lies without the jurisdiction of the United States it is not expected that I should, myself, make any estimates as to the cost of its construction. A description of the proposed route, together with an estimate of cost, as furnished by the president of the canal company, is all I propose to submit under this head.

For the purpose of making a navigable connection between the Saint Lawrence River and the waters of Lake Champlain a company, with the Hon. John Young, of Montreal, as president, was incorporated by special act of the Canadian Parliament in 1870, under the title of the "Caughnawaga Ship-Canal Company," with a capital of $300,000, limited. This company was given full authority to construct the proposed canal, and to enter upon and enlarge the Chambly Canal to the desired dimensions.

Accurate surveys of several lines proposed for this canal had been previously made by Mr. J. B. Mills, a distinguished civil engineer, and a report giving his opinion of the work, as well as his estimates of its cost, was submitted to the Canadian government. After careful examination by several eminent civil engineers, his survey of the route was approved and adopted.

The domicile of the company being at Montreal, I visited that city in August last for the purpose of obtaining all possible data with respect to the proposed route. Mr. Young, the president of the company, very kindly and courteously gave me such reports, maps, estimates, &c., as he was able to furnish, including a map and profile of the route as surveyed and adopted, together with much interesting and valuable verbal information, and also assisted me in a thorough reconnaissance of the route between Caughnawaga and Saint John's.

The line selected by Mr. Mills appears to have been well located, the natural formation of the country being remarkably adapted to the purpose. The excavations will be comparatively light and mostly in earth, except in the vicinity of the Indian village of Caughnawaga, where some rock-cutting will be required.

The level of the Saint Lawrence River at Caughnawaga is about twenty-nine feet below that of Lake Champlain, requiring three locks to attain the summit-level of the canal. Two of these are located near the river, with lifts of nine and ten feet respectively. The third, about eight and one-half miles distant from the river, will have a lift of ten feet. The summit-level thus attained is carried to the intersection with the Chambly Canal, and thence through that canal to the Richelieu River.

Five aqueducts, two water-weirs, twenty culverts, and twelve bridges will be required on this line.

The prism of the proposed Caughnawaga and enlarged Chambly Canal is to be of the same dimensions as those of the enlarged Welland, viz, one hundred feet wide at the bottom, about one hundred and fifty feet in width at surface of water, and thirteen

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feet in depth, with locks two hundred and seventy feet by forty-five, by twelve feet on the lower miter-sills.

Mr. Mills's original estimate was based on the dimensions of the existing Saint Lawrence canals, viz, locks two hundred by forty-five feet, with nine feet on the miter-sills, and amounted in the aggregate to $1,814,408, (gold.) An estimate, recently made by Walter Shanley, esq., an eminent civil engineer, at the request of the Hon. John Young, president of the company, and kindly forwarded to me by the latter, makes the amount required for the construction of the canal and the enlargement of the Chambly to Saint John's, $5,500,000, (gold.) The excess of this estimate over that made by Mr. Mills is due to the enlarged dimensions of the proposed canals, as well as to the increased cost of labor and materials at the present time over that ruling in the year 1848, the date of Mr. Mills's report.

Some slight dredging will be required between Saint John's and Lake Champlain, which, as estimated by Mr. Young, will cost about $35,000, making the total cost of the Canada division $5,535,000, (gold.)

LAKE CHAMPLAIN DIVISION.

On this division, viz, from Rouse's Point to Whitehall, the terminus of the present Champlain Canal, the route will follow the natural channel, through which, it is believed, a depth of not less than twelve feet water can be found. I have not been able to obtain accurate soundings through the entire length of this channel from any available sources of information. The charts published by the United States Coast Survey Department give an ample depth of water, so far as they have been furnished. The soundings in the basin at Whitehall, the head of the lake, give twelve feet water, and propellers of that draught have passed through the lake the past season, and arrived at the Whitehall pier. Should an increased depth of water be required in any portion of the lake-channel, it can be had at comparatively slight expense by dredging.

The Caughnawaga Canal will depend upon Lake Champlaim for its water supply, which will be ample for all the requirements for lockage, evaporation, leakage, &c.

This lake is fed on the west by the Saranac, Au Sable, Chazy, and Bouquet Rivers, and by Lake George; the latter being about thirty-six miles in length, with a maximum width of about three miles, and an elevation above the level of Lake Champlain of 158 feet. The affluents on the east are Otter Creek, Missisque, La Morelle and Onion Rivers. On the south it is now fed by Wood Creek; but on the completion of the proposed canal, it will have in addition a portion of the water from the summit-level, supplied from the headwaters of the Hudson, which alone would be sufficient for the demands for lockage and leakage in the Caughnawaga. The volume received from Lake George and the other affluents will be largely in excess of the amount required to cover evaporation, &c., of both the lake and the canal.

CANAL DIVISION.

At Whitehall commences the improvement proper of that portion of the route lying within the boundaries of the United States. From this point to Fort Edward, a distance of 24.13 miles, it is proposed to construct a new canal in connection with the improvement of the navigation of a portion of Wood Creek.

On my first reconnoissance between these two points, my attention was particularly directed to the condition and capabilities of the present Champlain Canal, with a view to its enlargement. A careful and thorough examination of this canal, throughout its entire length, satisfied me that to make it conform to the requirements of a ship-canal would involve many changes in its alignment, as well as in its depth and width, to enable it to pass vessels drawing 12 feet water. Its summit-level also was apparently from 10 to 15 feet higher than it should have been, if properly located, necessitating an extra lockage up and down. A further reconnoissance suggested that a better line farther to the east, following the valleys of Wood and Little Wood Creeks, might be found, provided that the natural summit between those two streams was not too high for the purpose. This could be determined only by an instrumental survey; and not being prepared to make such an examination at the time, I thankfully accepted the offer of Mr. A. Barkley, canal commissioner, that he would have a preliminary line run by one of his assistants, and would furnish me with a map and profile of the same. This duty, with consent of the State engineer, Mr. Sweet, was very satisfactorily performed by Mr. G. Thomas Hall, civil engineer, under my directions.

The result of this survey shows that the natural summit between the two creeks mentioned is 145 feet above tide-water, or 49 feet above Lake Champlain, and 29 feet above the Hudson River at Port Edward.

By making the summit-level of the new canal 135 feet above tide, it will be 12 feet lower than that of the Champlain Canal, and it can be attained by means of three locks, from the level of Lake Champlain, of 15, 12, and 12 feet lift respectively. The descent to the level of the Hudson will be made by one lock of 17 feet lift.

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The deepest excavation for the bottom of the canal at the summit will be 23 feet, or for the tow-path and berme-bank 6 feet.

Accordingly I abandoned the idea of enlarging the present Champlain Canal, and decided on recommending the construction of a new one in the valleys of these two creeks, making use of the creeks themselves for slack-water navigation, when feasible.

LOCATION OF THE CANAL.

In making the location and estimate on this division, I was compelled to depend principally on the map and center-line profile made by Mr. Hall, aided by personal knowledge of the nature and characteristics of the country, gained by my reconnoissances of the route.

In locating I have not confined the alignment strictly to the preliminary line run, as the general features of the country permit a change within certain limits, without greatly varying the amounts of excavation required. While the estimates are sufficiently accurate for an approximate location, a regular survey of the entire line will be required to determine the alignment, as well as the position of the locks, weirs, &c. The creeks should also be gauged at different stages of water, from the lowest to the highest, that their capacities may be accurately determined.

With these remarks, I proceed to describe the canal as approximately located.

Commencing at Whitehall, a lock of the dimensions adopted for this improvement, with a lift of fifteen feet, will be constructed on the site of the three combined locks of the Champlain Canal. In connection with the lock, a dam one hundred and twenty-five feet in length is to be built, extending to the east bank of Wood Creek, its crest being fifteen feet above the level of Lake Champlain.

This dam will give the required level to lock No. 14, a distance of 3.83 miles. A vertical wall, extending from the upper end of the west wing-wall of the lock to the first cut-off in Wood Creek, will limit the basin or harbor of Whitehall on that side, and will afford easy access to the lock.

From the upper end of this vertical wall, the line will cut off a long bend in the creek. Thence, after following the creek for a few hundred feet, a cut will be made across the next long bend, and thence the line will follow the channel to near the mouth of Greenville River, the waters of which will be utilized to supply in part the requirements of lock No. 15 at Whitehall.

Thence the line follows the general direction of the channel, cutting off projecting points when necessary, to the cut-off on which lock No. 14 is located. A lift of twelve feet at this lock will raise the canal to the next level, which is continued, following the channel of the creek as closely as practicable, a distance of 5.55 miles to lock No. 13. A lift of twelve feet at this lock brings the canal to its summit-level, which is continued to lock No. 12 at Fort Edward.

At a point near Smith's Basin, the line leaves Wood Creek, crossing the natural summit to Little Wood Creek, and entering the latter at a point about three and one-half miles from the former. Thence it follows the channel of Little Wood Creek, as closely as practicable, to Fort Edward.

PRISM.

The prism of the canal will be one hundred feet in width at bottom, about one hundred and fifty feet wide at the surface, with thirteen feet depth of water. Side slopes in earth-excavation of two horizontal to one vertical; in rock-cutting an inclination of one-fourth to one. Tow-path and berme-banks four feet above the surface-level, fifteen feet in width each, with a fall to the rear of one foot. Exterior slopes the same as those of the interior. In embankments, a puddle-wall three feet in thickness will be carried up at the same time the banks are formed, extending at least one foot above the surface of water in the canal and from two to three feet below the natural surface of the ground the depth depending upon the nature of the soil.

DAMS.

One dam is to be constructed at Whitehall, one hundred and twenty-five feet long, and about twenty feet high. It will be similar in construction to those proposed for the Hudson River division, the details of which are given under the appropriate head.

LOCKS.

The locks are to be two hundred and seventy feet between the gate-quoins, and forty-five feet in width between the side walls at the level of the lower floor line. They are to be constructed of dressed stone masonry, laid throughout in hydraulic cement mortar.

Foundation-timbers in earth to be of hemlock timber twelve inches square, to reach

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across the lock-pit from out to out of walls, to be placed one foot apart, except at the miter-sill platforms, where they will be laid solid. The spaces between the timbers to be filled with concrete.

Two ranges of mud-sills, twelve inches by twelve, will also be placed longitudinally under each of the side walls.

The miter-sill platforms to be made of timber twelve inches square, well jointed and secured with wrought-iron screw-bolts one and a half inches in diameter.

Five puddle-trenches, for the reception of the sheet-piling, will be laid across the foundation.

The flooring will consist of two courses of pine plank, the lower, three inches thick, to cover the entire foundation timbers; the upper, two inches thick, to be laid between the side walls of the chamber and at the ends of the lock; to be jointed with a plane, and wedged up so as to make water-tight joints.

The miter-sills to be of white oak, properly squared and dressed with a plane.

In rock-cutting, the foundation timbers will extend only across the chamber, and one foot under the side walls, at each end; the walls being well bedded on concrete. In place of puddle trenches and sheeting piles, stop-waters of timber, twelve inches wide, will be substituted.

Masonry.—The chamber walls are to be ten feet wide at bottom, with counterforts in rear, (except in rock cuts,) projecting three feet; six feet along the line of wall and about six feet apart. In rock-cutting, the space between the back of the walls and the face of the rock to be well filled with concrete, carried up at the same time with the walls.

The recesses are to be two feet eight inches deep at the top, and the walls eleven feet wide at the bottom, carried up plumb. The chamber and wing walls to have a batter of one in twenty-four, and as a general thing carried up two feet above the level of the upper reach.

There are to be eight chain-wells or man-holes; the wells two feet square inside, the bottom to slope toward the lock, to prevent the gate-chain when slack from lodging in them.

Breast-walls.—The breast-walls, about seven feet wide at bottom and three feet at top, to be carried up to within six inches of the bottom of the upper reach; to be constructed of rubble masonry and suitably coped.

LOCK-GATES.

The gates are to be of solid timber, oak and pine, made to move on a pivot and socket, and upon a cast-iron adjustable toe-roller, running on an iron traverse circle and moved by chains and winches. At top, they are to be held in place by the usual wrought-iron collar arrangement.

The timber is to be twenty-four inches thick at bottom and twenty at top. The top and bottom bars, the bar forming the top of the valve opening, and intermediate bars, varying in number with the height of the gates, to be of oak, the remainder of pine; so laid as to make water-tight joints. To be secured at every joint by water-tight dowels, and with wrought-iron bolts, two inches in diameter, extending through from top to bottom.

The gates will also be strengthened by means of white-oak binders, one on each side at both ends, and by horizontal fenders of oak.

Sluice-gates.—In each of the openings between the lower bars, which are two feet six inches in depth by eight feet nine inches in length, will be placed the iron sluice-gates, working on a horizontal central shaft, and moving by a lifting-screw.

REGULATING WEIRS.

Regulating weirs, in connection with locks Nos. 12, 13, and 14, will be constructed in conformity to the general plan of weir, herewith submitted; the masonry to be of the same quality as that of the locks.

At lock No. 15, (Whitehall,) no weir has been provided for in my estimates. It is supposed that the dam, with a crest of 125 feet in length, will, in connection with the lock-sluices, be sufficient to provide for all the water in case of a flood in Wood Creek. The walls of the lock are to be carried up above flood-height, or about 8 feet above the crest of the dam.

I have not been able to obtain any data from which to calculate the volume of water carried by Wood Creek and Greenville River, in the season of freshets; but from the great increase in capacity to be given to the stream by the proposed improvement, I am of the opinion that the means now provided will be ample to prevent overflow.

Whenever a regular survey shall be made of this line, the flow of these streams will be determined, and if then proved necessary, a regulating-weir can be placed at or near the west side of the lock in question, with a culvert debouching into the basin below.

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BRIDGES.

Fifteen bridges will be required on this division, all but one of which must be swing or pivot bridges. Of these two will be for single-track railroads, viz, one for the Rutland Railroad, at Whitehall, and one for a branch of the Rensselaer and Saratoga Railroad, at Smith's basin.

The spans of all the pivot-bridges will be 190 feet, carried 10 feet in the clear above the level of the tow-path.

The center pier will be circular, leaving a clear water-way of 65 feet on each side. It will be laid, except where the bottom is rock, on a timber and concrete foundation, with suitable piling, and carried up with coursed masonry, laid in hydraulic cement mortar; the top to be properly coped with ashlar not less than fifteen inches in thickness, and provided with a pivot-stone not less than six feet square and two feet depth of bed. On rock-bottom, the bottom of the wall will be bedded on concrete.

The abutment walls to be of similar class of masonry, and laid where necessary on timber and plank foundations.

The highway bridges will have a roadway of 20 feet, and the tow-path and road-bridge the same width, with a span of 75 feet.

The superstructure, in all cases, to be of iron.

PROPERTY DAMAGES.

This item of estimate is comparatively small. No town property of any great value will be taken, except at Whitehall, where the requirements of lock No. 15 will render the purchase and removal of a block of buildings necessary. A careful valuation has been made of these buildings, and the amount thereof, viz, $65,000, given in the estimate. Two buildings will be removed at Fort Edward, at an estimated expense of $1,500. A portion of the land required belongs to the State of New York; the remainder has been valued at from $100 to $500 per acre.

FORT EDWARD DAM AND FEEDER.

It was my first intention to supply the summit-level of this canal through the present Glen's Falls feeder; but, on examination, the locks, sluices, and prism of the feeder, which is twelve miles in length, were found to be inadequate for the purpose. To render this feeder available it would be necessary to enlarge the sluices in the bulk-head of the dam at Glen's Falls; to construct new regulating-weirs and sluices around thirteen locks, and to widen and deepen the prism for a distance of twelve miles, which, with weir and sluice to connect with the new canal, it is estimated would cost $1,106,108.

The Champlain Canal, it appears, was originally supplied through the Fort Edward feeder, of about four thousand three hundred feet in length, the water of the Hudson being raised to the desired level by a dam about thirty feet in height and nine hundred in length. Since the construction of the Glen's Falls feeder, an ample supply for the wants of the canal being obtained through that channel, the Fort Edward dam and feeder appears to have been used for private purposes.

I propose, therefore, to build a new dam, at or near the site of the present one, to a proper height; and, while making use of the full capacity of the Glen's Falls feeder, to bring the additional quantity of water required through this old feeder to a regulating-weir near the lock at its junction with the Champlain Canal; this weir to be of sufficient capacity to pass the supply from both feeders into the next level of the Champlain Canal, a fall of ten feet, and from thence using the present canal to its connection with the new canal, giving the bottom of the latter a fall of one foot per mile, and, passing over a breast-wall, entering a chamber at the side of the canal; the chamber to be 100 feet long, 85 feet wide, and its bottom at the same level as that of the canal.

This dam and feeder, including new vertical walls, and repairs to guard-lock and canal, and including also property damages, it is estimated will cost $319,978.80.

As above remarked, this feeder was originally constructed to supply the Champlain Canal, which is 10 feet above the level I intend to use for the purpose. I have no doubt but that a dam of 10 feet less height, with a connecting feeder of 2,500 feet in length, could be constructed for much less than the above estimate.

A survey of the ground can alone determine this question; and none having been made with a view to such a location, I am constrained to make my estimate on the line of the original feeder.

WATER-SUPPLY.

The water-supply of the canal is from the Hudson River and from Wood Creek. That from the latter, as given by McElroy, is small in comparison with the amount required. In the conditions now existing the supply from this creek is less than it will be when the affluents are all brought in on the new levels assumed. In my estimate,

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however, I depend only on the quantity as given by him for the Wood Creek quota, and obtain the remainder from the Hudson.

In estimating the requirements of the canal, I have provided for one hundred lockages per day, for a period of two hundred and twenty days. The locks at the summit are of seventeen and twelve feet lift respectively. It is assumed that the lockage through the twelve-foot lock, with leakages, and the additional supply obtained from Wood Creek below this lock, and from Greenville River, will be ample for the requirements of lock No. 15, which has a lift of fifteen feet.

We will then have—

	Cubic feet.
270 × 45.7 × 17 = 209,763′ × 100 =	20,976,300
270 × 45.5 × 12 = 147,420′ × 100 =	14,742,000
Cubic feet per day for lockages	35,718,300
Evaporation, filtration, and leakage	21,401,494
Total required daily	57,119,794
Total required per minute	39,666

For the season, 57,119,794 × 220 = 12,566,354,680 cubic feet.

To meet this demand we have—

Quota of Wood Creek		6,671
Quota of Glen's Falls feeder, per State engineer's report	23,375	
Less evaporation and filtration	660	
		22,715
Quota of Fort Edward feeder		10,280
Or total per minute		39,666

The present capacity of the Hudson River to supply this amount is believed to be ample. It could be much increased by a proper system of dams and reservoirs at the headwaters of that river, to retain the water till required, and at the same time prevent the occurrence of the usual freshets in that river.

But beyond this, a large additional supply can be obtained by diverting the water that now flows into the Saint Lawrence River.

A careful survey of this region has recently been made by Professor Benedict, and an estimate made of the additional quantity of water obtainable by a system of dams and lake-reservoirs.

The amount of water that can be thus supplied over and above that which now flows into the headwaters of the Hudson is, as estimated by Professor Benedict, 60,588,000 cubic feet per day for 220 days, equal to 13,329,360,000 cubic feet, which extra supply would be more than the total amount required for the new canal, to wit:

	Cubic feet.
Extra supply, per Professor Benedict	13,329,360,000
Amount required	12,566,354,680
An excess of	763,005,320

The construction of this canal as located will, of course, destroy the present Champlain Canal between Whitehall and Fort Edward, except the portion to be used as a feeder. To prevent the flow of water received through the Glen's Falls feeder from passing along the level northerly of its junction with the Champlain Canal, an embankment is provided for in the estimates.

Boats navigating the Glen's Falls feeder can make connection with the Hudson River through the old canal formerly used for that purpose. The locks and prism of this old branch would probably require considerable outlay to render them navigable.

A large amount of business is done on this feeder, and means should be provided to give it an outlet to the river.

The aggregate amount of estimate for the canal-division, including Fort Edward dam and feeder, is $3,776,999.10.

Estimates in detail are herewith submitted.

HUDSON RIVER DIVISION.

This division, extending from Fort Edward to Troy, it is proposed to render navigable for vessels of 12-feet draught by means of a series of dams and locks and by excavations in the channel of the river where required.

For the data on which my estimate is based for this portion of the route, I am indebted to the courtesy of the State engineer, Mr. Sweet, and his assistants, who have given me frequent opportunities to examine the maps and records of the office, and

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have loaned for my use such maps as I deemed would be of assistance to me in preparing my plans, and have also permitted me to make tracings of such maps as I desired, that could not be spared from the office.

Among the documents received from the State engineer's office is a very full and able report of S. McElroy, esq., C. E., with accompanying maps and profiles, of a survey made by him in 1866, and submitted to the canal-board, New York State canals, in February, 1867, by J. P. Goodsell, State engineer and surveyor.

This survey was authorized by the State legislature for the purpose of determining the practicability of making the Hudson River navigable between Troy and Fort Edward, with locks 225 feet long and 25 feet wide, and with stone dams. A channel 8 feet in depth and 200 feet in width was also contemplated.

The report and maps give evidence of an elaborate and accurate survey. The river was triangulated the entire distance; frequent cross-sections and soundings made, and levels with check-levels taken. The dams and locks were located, and the channel, of 8 feet in depth, defined.

I have availed myself fully of the valuable information contained in the reported results of this survey, and in locating the dams have, as a general thing, given them the same height and position as contemplated by Mr. McElroy.

In view of the large amount of rock-excavation required in the channel, I was in hopes that it might be diminished in some degree by giving an increased height to the dams, and by that means raising the surface-level of the pools. A study of the subject, aided by a reconnaissance of the entire length of the route, showed conclusively that no additional height could be given without increasing the overflow of the banks to such a degree that long and costly levees would be required for protection. I have, therefore, adopted his proposed levels, and have estimated for excavation accordingly.

DAMS.

The number of dams in this division will be eleven, not including the breast-dams, with an aggregate lift of 116 feet.

The following table exhibits their number, height, level above low-tide, and length of reaches.

Dams and locks.

Number.	Lift.	Length.	Level above low tide at Troy.	Reach.	Channel-distance.	Remarks.
	Feet.	*Feet.*	*Feet.*	*Miles.*	*Miles.*	
1	14.25	1,100	14.25	.....	.....	State dam at Troy to be raised 1′.8.
2	9.00	660	23.25	5.92	5.92	Near site of A. and N. R. R. bridge.
3	8.50	567	31.75	1.96	7.88	
4	12.50	210	44.00	1.95	9.83	
Breast	.....	700	44.00	.....	.....	
5	6.75	700	51.00	0.37	10.20	
Breast	.....	320	51.00	.....	.....	
6	10.25	1,000	61.25	2.75	12.95	On rock-rift, below Mechanicsville.
7	17.00	220	78.25	0.51	13.46	Near Howland's paper-mill.
Breast (*a*)	.....	330	78.25	.....	.....	
Breast (*b*)	.....	280	78.25	.....	.....	
Breast (*c*)	.....	280	78.25	.....	.....	
8	4.00	550	82.25	1.25	14.71	At Stillwater.
9	6.00	550	88.25	10.85	25.56	Below Schuylerville.
10	12.00	846	100.25	3.84	29.40	Saratoga Falls, new State dam.
11	15.75	670	116.00	2.95	32.35	At Fort Miller.
Lock 12	.....	.....	.....	7.45	39.80	At Fort Edward.

LOCATION OF DAMS.

The location and heights of these dams was determined, in part, by the position of the natural dams of slate-rock, at which, in low water, the main fall of the river occurs, and over which the current flows with the increased velocity due to the fall at those points. The channel between these natural dams is of nearly uniform width, and is comparatively deep, with but slight declivity of surface.

The character of the banks was also considered, so that the least damage to adjacent property by overflow would be obtained.

With one exception, viz, that of dam No. 9, they will all be built on a rock foundation. At and near the site of the dam last mentioned, at the head of the longest reach

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in the series, the bottom, as far as sounded, is composed of gravel, and the estimate for its foundations is made to conform to the character of the bottom.

The State dam at Troy, (No. 1,) recently repaired, is in good condition, and will only require raising about two feet to give it the required height of crest.

I propose, also, to adopt the new State dam (No. 10) at Saratoga Falls, as built; its location and level agreeing with those determined upon for a dam in that vicinity.

This dam has recently been constructed by the State, is of coarse stone, with a heavy coping, and will answer all the requirements of that location.

There will then be but nine dams (not including the breast-dams) to be constructed in the division.

PLAN OF DAMS.

The dams are to be built of heavy coursed stone, laid in hydraulic cement-mortar. The rock-foundations to be properly prepared, and the lower course of stones well laid on concrete. An ashlar coping, about 8 feet in length and 2 feet thick, cut with a level of 1 foot, and with rounded edges, will be well bolted to the dam, and secured with two iron clamps to each joint.

The wall will have a batter of two inches to the foot on the upper side, and of four inches to the foot on the lower. The upper slope, of broken stone and brush to have a declivity of four horizontal to one vertical. A plank apron, secured to heavy crib-work, will take the shock of the spill of the dam. The apron to be made of 12 by 12 inches pine timber, with close joints, having a slope of four to one, and securely fastened to the three longitudinal top-timbers of the crib, extending the entire length of the dam. The crib to be built of hemlock and oak timber, and filled with broken stone.

The only dam on gravel-foundation (viz, No. 9) will conform in structure to the others, except at the foundations. Hemlock timbers, 12 by 12 inches, placed one foot apart, the spaces filled with concrete, and the whole covered with pine plank securely fastened, will form a platform for the base of the superstructure. In addition, three rows of sheet-piling, of hemlock plank 4 inches thick and 6 feet long, will be driven into the gravel; one row at the foot of the upper slope, one at the foot of the upper face of the wall, and one at the lower edge of the crib-work. They will be secured at the top by spikes to a stringer 1 foot by 4 inches. A bed of concrete 1 foot deep will be laid from out to out of the sheet-piling, and under the foundation-timbers.

The abutments to the dams will also be built of coursed masonry, rising about 6 feet, according to location, above the crest of the dams, and coped with ashlar 4 feet wide and 1½ feet thick, well bolted and clamped.

REACH-SLOPES.

It will be observed that in the schedule of dams and locks above given, that the level named has been carried through the respective reaches between the dams without allowance for surface-slope. In the profiles and cross-sections accompanying Mr. McElroy's report, and on which my calculations are based, the same has been done. He says, "It is best to estimate on the extreme height for dams and locks, although in practice the *remore*, or slope, will be duly determined and allowed for, in each case, before construction."

I have adopted this view on all the reaches between the dams, and have fixed the crest of the upper one (No. 11) at 116 feet above tide-water.

The level of the surface of the river at Fort Edward was determined by Mr. Hall in his recent survey, and found to be 118 feet above tide, which level I have assumed in connection with lock No. 12. The slope of the river, thus determined, between the assumed level at dam No. 11 and Fort Edward, a distance of 7.45 miles, is 2 feet.

Whenever the slope in the other reaches is accurately determined, the decrease in the lifts of the locks, and, in consequence, in the cost of their construction, can be ascertained.

LOCKS.

The crests of the adjacent dams will determine the lifts of the several locks. The highest lift proposed will be 17 feet; the lowest, 4 feet; averaging 10.54 feet each.

As a general rule, they are located with reference to facility of approach from the channel. A pier and guard-wall, carried up to the same height as that of the lock-walls, will connect them with the shore. A pier-wall of similar height, and 10 feet in thickness, will be built between the back of the lock-wall and the end of the dam, making a working platform on top of 20 feet. The usual crib-arrangement is also provided for.

At dam No. 1 I propose to locate the lock at its west end, leaving the present sloop-lock at its east end untouched. There will be a better channel-approach to the new lock, and less trouble from ice, which, I am informed, always tends to the eastward

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above the sloop-lock. There would also be less rock-excavation required below the lock for the continuance of the channel to Albany.

The height of lock and guard-walls of lock No. 1 will be carried up 8.75 feet above the new crest of the dam, to provide against freshets from the Mohawk River. That of the other lock and guard-walls will be four feet above the crests of the respective dams.

I have not been able to obtain the high-water mark at these locations; but as it is proposed to provide against freshets in the Hudson by means of a system of dams and reservoirs at its headwaters, I have assumed that by the time this improvement is made the provision against floods will be accomplished, and have therefore fixed the height of the locks accordingly.

CONSTRUCTION.

The details of construction, as well as of the dimensions of the locks, will be similar to those described under the head of "canal division."

The following diagram exhibits connectedly the height of dams, lengths of reaches, and lifts of locks from Troy to dam No. 11, and the ascertained slope of the river-surface thence to Fort Edward.

REGULATING-WEIRS.

No regulating-weirs will be required on this division: the spill of the several dams regulating the surface-levels.

CHANNEL.

The estimates herewith are based on an assumed channel of at least 200 feet in width at bottom, with 13 feet depth of water. The excavation in earth to be made by dredging; that in rock, by cutting a channel of the above-named width at bottom, with side slopes one-fourth to one. It is presumed that a large portion oft his rock, which is "a slate with sharp, deep fissures, and friable quality," can be removed by a dredging machine with its bucket properly armed for the purpose. I have, however, "given the benefit of the doubt," and have estimated the cost of removal accordingly, inclusive of coffer-damming, if required.

PROPERTY-DAMAGES.

The amount of property-damages will be small, comparatively. Protection-levees, aggregating 17,500 feet in length, will prevent serious overflows. The cost of land for this purpose is considered, together with that of the sites for the locks. This, with mill-claims, riparian damages, &c., it is estimated will amount to $100,000.

BRIDGE-DRAWS.

An estimate is made for bridge-draws in the four wooden bridges now spanning the river, viz, at Saratoga Falls, Schuylerville, Stillwater, and Waterford.

The aggregate amount of estimates for the Hudson River division is $7,375,917.16. Estimates in detail are herewith submitted.

CONCLUSION.

In this, my report on the "enlarged route from the Saint Lawrence River to Troy on the Hudson River," made in compliance with your instructions of August last, I have confined myself strictly to the engineering features of the project. In connection therewith, I may remark that the route selected appears to be the natural connection between the termini referred to, viz, the Saint Lawrence River and Troy.

The Canada division requires but a short canal, through an almost level plateau, admirably adapted to the purpose. From thence to Troy on the Hudson the natural water-courses are followed, with but one intervening summit of only three and a half miles in length, and of remarkably low elevation. The water-supply will be ample, and the facilities for the construction of the proposed work abundant.

An "enlarged route" can, in my opinion, be obtained on this line at the estimated cost, through which vessels carrying 50,000 bushels of wheat, or other freight in proportion, can freely and safely navigate.

Maps, including a general map of the whole route, on a scale of two miles to 1 inch; maps of the canal and Hudson River division, on a scale of 500 feet to 1 inch; with general plan of lock, regulating-weir, &c., will also be submitted.

In connection with this improvement I was directed by you, in October last, to make an examination, and to submit a report and estimates on the cost of connecting the Hudson River, above the Troy dam, with Albany, via the Erie Canal; the latter to be enlarged to the dimensions of those of the proposed new canal.

In compliance therewith, I have the honor to submit the following supplementary report:

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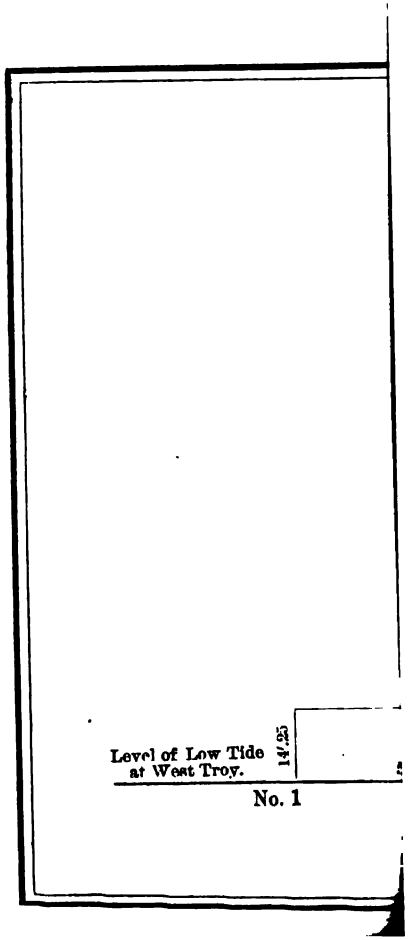

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SUPPLEMENTARY REPORT.

In accordance with your instructions of October 23, 1874, I made a reconnoissance of the country between Cohoes and West Troy for the purpose of determining upon the best line of connection between the Hudson River, above Troy dam, and the Erie Canal, and also extended my examination thence to Albany, with view to the enlargement of the said canal.

This reconnaissance, &c., satisfied me that the most feasible route could be made through the old Mohawk River and basin to a point near the weigh-lock at West Troy; thence connecting with the Erie Canal by means of a lock of such lift as would bring the level of the river up to that of the canal, and from thence widening the canal on the east side to Albany. The results of a survey subsequently made under your direction, by Mr. W. P. Judson, assistant engineer, confirmed my belief as to the feasibility of this route.

The estimates herewith submitted are based upon that survey for the Mohawk River division, and upon cross-sections and other measurements subsequently made by Mr. Judson, and on maps, &c., of the canal for the Erie Canal division.

I propose to consider the proposed line under two heads:

1. The Mohawk River division, extending from the Hudson River to the Erie Canal, at lock No. 1, (A.)

2. The Erie Canal division, extending from lock No. 1 (A) to tide-water at Albany.

MOHAWK RIVER DIVISION.

The mouth of the branch of the Mohawk River, which it is proposed to utilize in this connection, is one mile above the Troy dam, or dam No. 1 of the Hudson River division. The width of the old bed is ample for the purpose, but to render it navigable for vessels of 12 feet draught both heavy-rock-excavation and a large amount of dredging will be required.

The surface-level of that portion of the river now called the "Basin," is about 12 inches lower than the proposed level of the Hudson River above the Troy dam. Two side-cut locks at West Troy regulate the height of water in this basin, and to retain our proposed level it will be necessary to raise these lock-walls, together with the pier and vertical walls in connection, about 2 feet.

The channel between the Hudson River and the proposed lock No. 1 (A) is to be excavated to a depth of 13 feet below the assumed level, (viz, 14.25 feet above tide-water,) and to a width of 200 feet at bottom. In rock-cutting, the side slopes to be one-fourth to one. No other improvement will be required to render this channel navigable throughout its entire length.

Locks.

The level of the Erie Canal at the proposed point of connection being 24.5 feet, and that of the new channel 14.25 feet, a lock of 10.25 feet lift, and of the same dimensions in other respects as those already considered, will be required to connect the old Mohawk with the canal near the present weigh-lock. The details of construction will be the same as those of the locks of the canal division heretofore described.

Bridges.

Three swing or pivot bridges will be required on this division, viz, one single-track railroad-bridge at the crossing of the Rensselaer and Saratoga Railroad near the mouth of the Mohawk; one double-track ditto, at the crossing of the New York Central and the Rensselaer and Saratoga Railroads near the weigh-lock; and one highway-bridge at the site of the present dike. They will be all of the same span, viz, 190 feet, and with iron superstructures.

Property-damages.

The property-damages will be light on this division, most of the land to be taken belonging to the State of New York. They will be included under a general head.

ERIE CANAL DIVISION.

The enlargement of the Erie Canal to Albany, to the required dimensions, including the construction of the required bridges and culverts, constitutes the amount of work to be done on this division.

It is proposed to widen the canal on the east side by removing the berme bank and by excavating the prism to the dimensions hereinbefore considered, viz, one hundred feet wide on the bottom; slopes, two horizontal to one vertical; depth of water, 13

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feet. Where vertical walls are substituted for slopes, the width on the bottom will be increased to 124 feet; the batter of the walls to be 2 inches to 1 foot.

Vertical walls are to be built from lock No. 1 (A) through West Troy and Port Schuyler, to near the southern boundary; and from the foot of lock No. 2, near the upper end of the lumber-district, to lock No. 1, at Albany. The height of the former to be 4 feet above the surface-water of the canal; that of the latter, 2 feet above the same level; to conform to the general height of the ground or piers through the lumber-district.

Puddle-walls.—A puddle-wall is to be carried up with the embankments. It will be 3 feet in width, its top extending 1 foot above the surface of water in the canal, its bottom from 1 to 2 feet below the natural surface of the ground, depending on the character of the soil.

Locks.

Two locks are to be built, one near the present locks No. 2 of the Erie Canal, of 9.25 feet lift; the other near locks No. 1, at Albany, of 15.25 feet lift. Their dimensions and details of construction will be the same as that of lock No. 1, (A.)

Lock No. 2 will be located near the east lock of the present double locks No. 2; its west chamber-wall to be about 20 feet from the wall of the west lock. Lock No. 1 will pass diagonally, just below the present double locks at Albany, leaving both undisturbed.

Regulating-weirs.

It is proposed to use the side-cut locks at West Troy, the remaining lock, No. 2, and both of the old locks, No. 1, as regulating-weirs.

Bridges.

There are now twenty road-bridges, of various widths, spanning the Erie Canal on this division. These must be replaced by swing or pivot bridges of lengths corresponding to the increased width of the enlarged canal.

The center piers are to be circular, and, with the abutments, will be constructed of coursed masonry. Their spans to be either 190 or 165 feet, depending on location. The superstructures in all cases will be iron.

Culverts.

Six new culverts, in place of those now in use, under the Erie, on this division, will be required. The lengths will be increased to meet the requirements of the enlarged prism; the water-ways to be of the same dimensions as in the present culverts.

They are to be constructed of coursed masonry laid in hydraulic cement-mortar, backed with rubble. The foundations to be of twelve by twelve inches hemlock timbers, laid one foot apart, covered with a floor of pine plank three inches in thickness; the spaces between the wings and the water-way to have an additional floor of pine two inches thick and laid so as to break joints.

Property damages.

Although but a narrow strip will be taken in making this enlargement, the amount of property damages will be heavy, from the fact that the line will cut many buildings in West Troy, Port Schuyler, &c., and will take off the ends of the piers in the Albany lumber district.

A personal inspection and valuation of each piece of property affected along the entire route, having been recently made under your directions, I am enabled from the returns to submit a reliable estimate under this head.

The estimated cost of this division is	$1,670,754 58
The estimated cost of Mohawk River division is	568,210 64

Estimates in detail for both divisions are herewith presented.

Respectfully submitted.

C. A. FULLER,
Assistant Engineer.

Major J. M. WILSON,
United States Engineers.

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CHAMPLAIN SHIP-CANAL ROUTE.

River division locks.

Number of lock.	Excavation of earth.	Excavation of rock.	Embankment.	Puddling.	Lock masonry.	Rubble masonry.	Concrete.	Floor-timbers.	Plank flooring.	Miter-sills.	Sheet-piling.
	Cu. yds.	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Ft. b. m.*	*Ft b. m.*	*Ft. b. m.*	*Ft. b. m.*
1		9,275		1,399	8,862	609	1,263	114,000	105,585	7,764	
Pier-wall			3,852			3,459					
2		8,272		1,239	5,643	365	1,023	114,000	105,585	7,764	
			5,037			1,752					
3		6,106		1,359	5,424	352	1,010	114,000	105,585	7,764	
			6,600			3,921					
4		7,705		1,518	6,382	453	1,130	114,000	105,585	7,764	
			11,852			4,511					
5		7,805		1,060	4,883	302	963	114,000	105,585	7,764	
			6,250			2,828					
6		6,063		1,538	5,947	396	1,057	114,000	105,585	7,764	
			7,777			2,955					
7		9,234		1,738	7,770	594	1,236	114,000	105,585	7,764	
			5,111			3,665					
8		5,188		1,089	4,227	237	890	114,000	105,585	7,764	
			24,264			2,652					
9	301			1,837	4,692	285	1,057	171,156	105,585	7,764	8,880
			9,777			4,147					
10		6,781		1,608	6,262	446	1,103	114,000	105,585	7,764	
						5,264					
11		9,131		1,738	7,459	552	1,203	114,000	105,585	7,764	
			2,963			4,434					
Miter-sill walls						4,708					
Totals	301	75,560	83,483	16,143	67,551	48,887	11,935	1,311,156	1,161,435	85,404	8,880

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CHAMPLAIN SHIP-CANAL ROUTE.

River division.—Estimate for locks.

Quantities and items.		Price.	Amount.	Total.
11 locks, bailing and draining	per lock	$5,000 00	$55,000 00	
301 cubic yards excavation of earth	per cu. yd.	28	84 28	
75,560 cubic yards excavation of rock	do	1 00	75,560 00	
83,483 cubic yards embankment	do	28	23,375 24	
16,123 cubic yards puddling	do	30	4,836 90	
65,549 cubic yards lock-masonry	do	13 00	878,163 00	
48,775 cubic yards rubble-masonry	do	8 00	391,096 00	
11,935 cubic yards concrete	do	5 00	59,675 00	
1,311,156 feet, board-measure, floor-timbers	per 1,000 ft.	20 00	26,223 12	
1,161,435 feet, board-measure, plank-flooring	do	45 00	52,264 58	
85,404 feet, board-measure, miter-sills	do	60 00	5,124 24	
8,880 feet, board-measure, sheet-piling	do	20 00	177 60	
39,611 pounds iron	per pound	12	4,753 32	
12,760 pounds spikes and nails	do	06	765 60	
				$1,577,098 88
Equipment, &c.				
11 locks, crib-work	per lock	2,000 00	22,000 00	
11 locks, posts, &c	do	300 00	3,300 00	
11 locks, lock-gates complete	do	7,586 60	83,446 00	
11 locks, sulphur and sand	do	60 00	660 00	
11 locks, painting gates	do	100 00	1,100 00	
11 locks, houses	do	2,000 00	22,000 00	
Cutting dam No. 10, for lock		.....	2,860 00	
Cutting dam No. 1, for lock		.....	2,000 00	
				137,366 00
				1,714,464 88

River division.—Dams.

No. of dam.	Length.	Ashlar.	Coursed masonry.	Concrete.	Embankment.	Pine.	Hemlock.	Maple.	Oak.	Loose stone.
	Feet.	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Ft. b. m.*	*Ft. b. m.*	*Ft. b. m.*	*Ft. b. m.*	*Cu. yds.*
2	660	424.47	3,122.00	784	88.37	131,318	67,914	27,165	45,259	8,296.00
3	567	365.97	2,840.50	686	352.29	127,708	66,055	26,422	44,037	8,143.00
4	210	140.97	1,444.00	278	574.22	50,364	26,051	10,420	17,337	3,632.50
B	700	449.47	2,248.00	779	237.39	98,861	51,135	20,454	34,090	4,855.50
5	700	449.47	2,560.50	805	580.72	120,388	62,265	24,906	41,501	6,195.88
B	320	210.47	1,243.50	376	342.59	55,030	28,464	11,386	18,976	2,832.13
6	1,000	638.47	4,886.50	1,200	516.76	225,040	116,400	46,560	77,600	14,437.50
7	220	147.47	1,880.50	291	285.96	64,183	33,198	13,279	22,132	5,565.88
Ba	330	216.97	1,125.50	362	409.54	46,606	24,106	9,642	16,072	2,137.89
Bb	280	185.47	1,300.00	363	208.19	47,562	26,670	14,668	17,780	2,926.33
Bc	280	185.47	974.00	310	1,024.94	39,544	20,454	8,182	13,636	1,807.15
8	550	355.47	1,793.00	595	163.01	77,666	40,178	16,071	26,795	3,663.15
9	550	355.47	4,039.00	1,854	340.10	151,684	131,258	31,383	52,305	12,517.02
11	670	430.97	3,167.00	783	138.56	133,290	68,943	27,577	45,962	8,367.20
Totals	7,037	4,546.58	32,624,00	9,466	5,262.64	1,369,244	763,091	288,115	473,482	85,277.61

River division.—Estimate for dams.

Quantities and items.		Price.	Amount.	Total.
4,557 cubic yards ashlar masonry	per cu. yd.	$15 00	$68,355 00	
32,624 cubic yards coursed masonry	do	10 00	326,240 00	
9,466 cubic yards concrete	do	5 00	47,330 00	
5,263 cubic yards embankment	do	28	1,473 64	
1,369,244 feet, b. m., pine	per 1,000 ft.	45 00	61,615 98	
763,091 feet, b. m., hemlock	do	20 00	15,261 82	
288,115 feet, b. m., maple	do	40 00	11,524 60	
473,482 feet, b. m., oak	do	60 00	28,408 92	
46,200 feet, b. m., sheet-piling	do	20 00	924 00	
85,278 cubic yards loose stone	per cu. yd.	1 50	127,917 00	
184,728 pounds wrought iron	per pound.	12	22,167 36	
14 dams—sulphur and sand		150 00	2,100 00	
Raising and repairing dam No. 1		.....	20,000 00	
				$733,318 38

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River division.—Channel 39.8 miles.

Section.	Length.	Rock excavation.	Dredging.
	Feet.	*Cu. yds.*	*Cu. yds.*
No. 1	34, 370	505, 392	132, 337
No. 2	44, 250	937, 929	18, 303
No. 3	66, 495	28, 700	182, 927
No. 4	65, 052	506, 135	311, 569
	210, 167	1, 978, 156	645, 136

Estimate.

Quantities and items.	Price.	Amount.	Total.
1,978,156 cubic yards excavation of rock ..... per cu. yd.	$2 00	$3, 956, 312	
645, 136 cubic yards dredging ..... do....	25	161, 284	
4 bridge-draws	10, 000 00	40, 000	
			$4, 157, 596

River division.—Levees and property damages.

Quantities and items.	Price.	Amount.	Total.
61,568 cubic yards embankment, (17,500 linear feet) ..... per cu. yd..	$0 28	$17, 239 04	
Property-damages, grading road, &c	.....	82, 761 00	
			$100, 000 04

River division.—Summary of estimates.

Dams	$733, 318 32
Locks	1, 714, 464 88
Channel	4, 157, 596 00
Levees and property-damages	100, 000 04
	6, 705, 379 24
Engineering and contingencies 10 per cent	670, 537 92
	7, 375, 917 16

Canal division.—Locks.

No. of lock.	Excavation of earth.	Excavation of rock.	Puddling.	Lock-masonry.	Rubble-masonry.	Concrete.	Floor-timbers.	Plank-flooring.	Miter-sills.	Sheet-piling.
	Cu. yds.	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Ft. b. m.*	*Ft. b. m.*	*Ft. b. m.*	*Ft. b. m.*
12	26, 431	.....	1, 678	7, 272	522	1, 175	171, 156	105, 585	7, 764	8, 880
13	18 561	.....	1, 608	6, 262	446	916	171, 156	105, 585	7, 764	8, 880
14	23, 464	.....	1. 608	6, 262	446	917	171, 156	105, 585	7, 764	8, 880
15	8, 952	17, 562	639	8, 915	618	1, 263	114, 000	105, 585	7, 764	.....
Pier and g. wall	.....	.....	.....	.....	2, 127	.....	.....	.....	.....	.....
Miter-sill wall	.....	.....	.....	.....	2, 540	.....	.....	.....	.....	.....
Totals	77, 408	17, 562	5, 533	28, 711	6, 699	4, 271	627, 468	422, 340	31, 056	26, 640

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Canal division.—Estimate locks.

Quantities and items.	Price.	Amount.	Total.
4 locks, bailing and draining ..... per lock	$5,000 00	$20,000 00	
77,408 cubic yards excavation of earth ..... per cu. yd	28	21,674 24	
17,562 cubic yards excavation of rock ..... do	1 00	17,562 00	
5,533 cubic yards puddling ..... do	30	1,659 90	
28,711 cubic yards lock-masonry ..... do	13 00	373,243 00	
6,699 cubic yards rubble-masonry ..... do	8 00	53,592 00	
4,271 cubic yards concrete ..... do	5 00	21,355 00	
627,468 feet, board measure, floor-timbers ..... per 1,000 feet	20 00	12,549 36	
422,340 feet, board measure, plank-flooring ..... do	45 00	19,005 30	
31,056 feet, board measure, miter-sills ..... do	60 00	1,863 36	
26,640 feet, board measure, sheet-piling ..... do	20 00	532 80	
14,404 pounds iron ..... per pound	12	1,728 48	
4,640 pounds spikes and nails ..... do	6	278 40	
			$545,043 84
Equipments, &c.:			
4 locks, crib-work ..... per lock	2,000 00	8,000 00	
4 locks, posts, &c ..... do	300 00	1,200 00	
4 locks, lock-gates complete ..... do	7,751 00	31,004 00	
4 locks, painting gates ..... do	100 00	400 00	
4 locks, sulphur and sand ..... do	60 00	240 00	
4 locks, houses ..... do	2,000 00	8,000 00	
			48,844 00
			593,887 84

Canal division.—Regulating weir-lock No. 12.

Quantities and items.	Price.	Amount.	Total.
4,327 cubic yards excavation of work ..... per cu. yd	$0 28	$1,211 56	
193 cubic yards lining ..... do	50	96 50	
144 cubic yards puddling ..... do	30	43 20	
237 cubic yards vertical wall in cement ..... do	6 00	1,422 00	
320 cubic yards slope and pavement wall ..... do	2 00	640 00	
51 cubic yards ashlar masonry ..... do	15 00	765 00	
1,009 cubic yards coursed masonry ..... do	10 00	10,090 00	
929 cubic yards rubble masonry ..... do	8 00	7,432 00	
282 cubic yards concrete ..... do	5 00	1,410 00	
4,200 feet, board measure, sheet-piling ..... per 1,000 ft	20 00	84 00	
10,584 feet, board measure, pine ..... do	45 00	476 28	
20,080 feet, board measure, hemlock ..... do	20 00	401 60	
3,979 pounds wrought iron ..... per lb	12	477 48	
8,351 pounds cast iron ..... do	08	668 08	
650 pounds spikes and nails ..... do	06	39 00	
			$25,256 70

Canal division.—Regulating weir-lock No. 13.

Quantities and items.	Price.	Amount.	Total.
2,667 cubic yards excavation of earth ..... per cu. yd	$0 28	$746 76	
193 cubic yards lining ..... do	50	96 50	
137 cubic yards puddling ..... do	30	41 10	
237 cubic yards vertical wall in cement ..... do	6 00	1,422 00	
320 cubic yards slope and pavement wall ..... do	2 00	640 00	
78 cubic yards ashlar masonry ..... do	15 00	1,170 00	
721 cubic yards coursed masonry ..... do	10 00	7,210 00	
58 cubic yards concrete ..... do	5 00	290 00	
4,200 feet, board measure, sheet-piling ..... per 1,000 ft	20 00	84 00	
10,584 feet, board measure, pine ..... do	45 00	476 28	
20,080 feet, board measure, hemlock ..... do	20 00	401 60	
3,630 pounds wrought iron ..... per lb	12	435 60	
8,316 pounds cast iron ..... do	08	665 28	
650 pounds spikes and nails ..... do	06	39 00	
			$13,718 12

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Canal division.—Regulating weir-lock No. 14.

Quantities and items.	Price.	Amount.	Total.
2,870 cubic yards excavation of earth ..... per cu. yd.	$0 28	$803 60	
245 cubic yards lining ..... do....	50	122 50	
137 cubic yards puddling ..... do....	30	41 10	
237 cubic yards vertical wall in cement ..... do....	6 00	1,422 00	
420 cubic yards slope and pavement wall ..... do....	2 00	840 00	
45 cubic yards ashlar masonry ..... do....	15 00	675 00	
625 cubic yards coursed masonry ..... do....	10 00	6,250 00	
23 cubic yards rubble masonry ..... do....	8 00	184 00	
874 cubic yards culvert masonry ..... do....	9 60	7,866 00	
453 cubic yards concrete ..... do....	5 00	2,265 00	
4,200 feet, board measure, sheet-piling ..... per 1,000 feet	20 00	84 00	
10,584 feet, board measure, pine ..... do....	45 00	476 28	
20,080 feet, board measure, hemlock ..... do....	20 00	401 60	
3,630 pounds wrought iron ..... per lb.	12	435 60	
8,316 pounds cast iron ..... do....	8	665 28	
650 pounds spikes and nails ..... do....	6	39 00	
			$22 570 96

Canal division.—Prism.

Quantities and items.	Price.	Amount.	Total.
5,739,792 cubic yards excavation of earth ..... per cu. yd.	$0 28	$1,607,141 76	
290,418 cubic yards excavation of rock ..... do....	1 00	290,418 00	
4,015 cubic yards vertical wall in cement ..... do....	6 00	24,090 00	
139,688 cubic yards puddling ..... do....	30	41,906 40	
70,805 cubic yards lining ..... do....	50	35,402 50	
			$1,998,958 66

Canal division.—Regulating weirs.

Regulating weir, lock No. 12	$25,256 70	
Regulating weir, lock No. 13	13,718 12	
Regulating weir, lock No. 14	22,570 96	
		$61,545 78

CHAMPLAIN SHIP-CANAL ROUTE.

Canal division, estimate dam, 125 feet, (Whitehall.)

Quantities and items.	Price.	Amount.	Total.
84 cubic yards ashlar masonry ..... per cub. yd..	$15 00	$1,260 00	
435 cubic yards coursed masonry ..... do ...	10 00	4,350 00	
74 cubic yards concrete masonry ..... do....	5 00	370 00	
14,138 feet, b. m., pine ..... per 1,000 ft..	45 00	636 21	
7,312 feet, b. m., hemlock ..... do....	20 00	146 24	
2,925 feet, b. m., maple ..... do...	40 00	117 00	
4,875 feet, b. m., oak ..... do....	60 00	292 50	
1,492 cubic yards loose stone ..... per cub. yd..	1 50	2,238 00	
3,580 pounds wrought iron ..... per lb..	12	429 60	
Sulphur and sand	.....	100 00	
			$9,939 55

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Canal division, swing bridges, 190 feet span, 20 feet roadway.

No.	Location.	Excavation, earth.	Excavation, rock.	Ashlar-masonry.	Abutment-masonry.	Concrete.	Pine.	Hemlock.	Piling.
	Highway.	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Ft. b.m.*	*Ft. b.m.*	*Lin. ft.*
1	Whitehall	.....	171	35	619	80	.....	.....	.....
2	.....do	.....	171	35	582	80	.....	.....	.....
3	.....do	171	.....	35	510	40	7,700	10,680	1,568
4	Comstock's	171	.....	35	570	40	7,700	10,680	1,568
5	Lime-Works	.....	171	35	510	80	.....	.....	.....
6	Fort Ann	.....	171	35	676	80	.....	.....	.....
7	.....do	171	.....	35	744	40	7,700	10,680	1,568
8	Smith's Basin	171	.....	35	510	40	7,700	10,680	1,568
9	Station 1073	171	.....	35	510	40	7,700	10,680	1,568
10	Fort Edward	171	.....	35	695	40	7,700	10,680	1,568
11	.....do	171	.....	35	570	40	7,700	10,680	1,568
12	.....do	171	.....	35	621	40	7,700	10,680	1,568
13	Ch. canal, 75 feet span	.....	171	18	247	80	.....	.....	.....
	Railroad.								
14	Whitehall	171	.....	35	510	40	7,700	10,680	1,568
15	Smith's Basin	171	.....	35	510	40	7,700	10,680	1,568
	Total	1,710	855	508	8,384	800	77,000	106,800	15,680

Canal division, estimate for bridges 190 feet span.

Quantities and items.	Price.	Amount.	Total.
1,710 cubic yards excavation of earth .....per cu. yd..	$0 28	$478 80	
855 cubic yards excavation of rock .....do....	1 00	855 00	
508 cubic yards ashlar masonry .....do....	13 00	7,620 00	
8,384 cubic yards abutment-masonry.....do....	13 00	108,992 00	
800 cubic yards concrete .....do....	5 00	4,000 00	
77,000 feet, b. m., pine.....per M ft..	45 00	3,465 00	
106,800 feet, b. m., hemlock.....do....	20 00	2,136 00	
15,680 linear feet piles .....per lin. ft..	30	4,704 00	
7,650 pounds iron, (spikes and nails) .....per lb..	06	459 00	
			$132,709 80
Superstructures.			
2 railroad-bridges, 190 feet span.....	16,150 00	32,300 00	
12 highway-bridges, 190 feet span.....	14,440 00	173,280 00	
1 tow-path and road bridge, 75 feet span	.....	2,475 00	
			208,055 00
			340,764 80

Estimate Fort Edward dam and feeder.

Quantities and items.	Price.	Amount.	Total.
Dam.			
11,363 cubic yards coursed masonry.....per cu. yd..	$10 00	$113,630 00	
575 cubic yards ashlar-masonry .....do....	15 00	8,625 00	
37,366 cubic yards loose stone .....do....	1 00	37,366 00	
1,382 cubic yards concrete.....do....	5 00	6,910 00	
30,744 pounds wrought iron.....per lb..	12	3,689 28	
118,600 feet, b. m., pine timber .....per M ft..	45 00	5,337 00	
43,200 feet, b. m., oak timber .....do...	60 00	2,592 00	
Sulphur, sand, &c	.....	200 00	
			$172,349 28
Weir.			
1 regulating-weir, 10 feet lift	.....	.....	11,321 37
Feeder.			
6,602 cubic yards excavation.....per cu. yd.	28	1,845 56	
510 cubic yards embankment.....do....	28	142 80	
9,429 cubic yards vertical wall .....do....	6 00	56,574 00	
295 cubic yards concrete.....do....	5 00	1,475 00	
			60,037 36

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Estimate Fort Edward dam and feeder—Continued.

Quantities and items.	Price.	Amount.	Total.
Summary estimate.			
Dam		$178,349 28	
Weir		11,321 37	
Feeder		60,037 36	
Repairs of guard-lock, &c		6,000 00	
Lock-house		2,000 00	
Property damages		25,000 00	
			$282,708 00
Add 10 per cent. for engineering and contingencies			28,270 80
			310,978 80

Canal division.—Property-damages.

Quantities and items.	Price.	Amount.	Total.
40.85 acres	$500 00	$20,425 00	
22.96 acres	300 00	6,888 00	
520.18 acres	100 00	52,018 00	
Removing buildings, Fort Edward		1,500 00	
Property Whitehall		65,000 00	
			$145,831 00

Canal division.—Summary of estimates.

Dam	$9,939 55
Locks	593,887 84
Prism	1,998,958 66
Regulating-weirs	61,545 78
Bridges	340,764 80
Fort Edward dam and feeder, (less 10 per cent. contingencies)	282,708 00
Property-damages	145,831 00
	3,433,635 63
Engineering and contingencies, 10 per cent	343,363 56
	3,776,999 19

General summary of estimates.

River division:		
Dams	$733,318 32	
Locks	1,714,464 88	
Channel	4,157,596 00	
Levees and property-damages	100,000 04	
		$6,705,379 24
Engineering and contingencies, 10 per cent		670,537 92
		7,375,917 16
Canal division:		
Dam	9,939 55	
Locks	593,887 84	
Prism	1,998,958 66	
Regulating-weirs	61,545 78	
Bridges	340,764 80	
Fort Edward dam and feeder	282,708 00	
Property-damages	145,831 00	
	3,433,635 63	
Engineering and contingencies, 10 per cent	343,363 56	
		3,776,999 19
		11,152 916 35

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SHIP-CANAL FROM TROY TO ALBANY.

Locks from Hudson River, via Old Mohawk and Erie Canal, to Albany.

No. of lock.	Earth-excavation.	Puddling.	Lock-masonry.	Rubble-masonry.	Concrete.	Floor-timbers.	Plank-flooring.	Miter-sills.	Miter-sill walls.	Iron.	Spikes and nails.	Sheet-piling.
	C.yds.	*C.yds.*	*C.yds.*	*C.yds.*	*C.yds.*	*Ft. b. m.*	*Ft. b. m.*	*Ft. b. m.*	*C.yds.*	*P'ds.*	*P'ds.*	*Ft. b. m.*
No. 1, A	22, 720	1, 542	5, 947	396	1, 057	171, 156	105, 585	7, 764	428	3, 601	1, 060	8, 880
No. 1, Erie	35, 000	1, 927	8, 915	618	1, 057	171, 156	105, 585	7, 764	428	3, 601	1, 060	8, 880
No. 2, Erie	13, 712	1, 485	5, 643	365	1, 057	171, 156	105, 585	7, 764	428	3, 601	1, 060	8, 880
Totals	71, 432	4, 854	20, 505	1, 379	3, 171	513, 468	316, 755	23, 292	1, 284	10, 803	3, 180	26, 640

NOTE.—Lock No. 1, A, between Old Mohawk Basin and Erie Canal, at West Troy weigh-lock.
Lock No. 1, Erie, at Albany.
Lock No. 2, Erie, between Albany and West Troy.

Locks from Hudson River via Old Mohawk and Erie Canal to Albany.

Quantities and items.	Price.	Amount.	Total.
3 locks, bailing and draining ..... per lock	$5, 000 00	$15, 000 00	
71,432 cubic yards excavation of earth ..... per cu. yard	28	20, 000 96	
4,854 cubic yards puddling ..... do	30	1, 456 20	
20,505 cubic yards lock masonry ..... do	13 00	266, 565 00	
1,379 cubic yards rubble-masonry ..... do	8 00	11, 032 00	
3,171 cubic yards concrete ..... do	5 00	15, 855 00	
513,468 feet, board-measure, floor-timbers ..... per 1,000 feet	20 00	10, 269 36	
316,755 feet, board-measure, plank flooring ..... do	45 00	14, 253 97	
23,292 feet, board-measure, miter-sills ..... do	60 00	1, 397 52	
1,284 cubic yards miter-sill walls ..... per cu. yard	8 00	10, 272 00	
10,803 pounds iron ..... per pound	12	1, 296 36	
3,180 pounds spikes and nails ..... do	06	190 80	
26,640 feet, board-measure, sheet-piling ..... per 1,000 feet	20 00	532 80	
			$368, 121 97
Equipments, &c.:			
3 locks, crib-work ..... per lock	2, 000 00	6, 000 00	
3 posts, &c ..... per post	300 00	900 00	
3 lock-gates, complete ..... per gate	7, 856 00	23, 568 00	
3 tons sulphur and sand ..... per ton	100 00	300 00	
Painting 3 gates ..... per gate	60 00	180 00	
3 houses ..... per house	2, 000 00	6, 000 00	
			36, 948 00
Total for three locks			405, 069 97

Lock No. 1, A, Mohawk River division	$115, 541 80
Locks Nos. 1 and 2, Erie Canal division	289, 428 17
	405, 069 97

Culverts from Hudson River, via Old Mohawk and Erie Canal, to Albany, Erie Canal Division.

Station.	Structure.	Masonry.				Lumber.			Iron.
		Arch.	Coursed.	Rubble.	Total.	Hemlock.	Pine.	Total.	
		Cub. feet.	*Cub. feet.*	*Cub. feet.*	*Cub. feet.*	*Feet b. m.*	*Feet b. m.*	*Feet b. m.*	*Lbs.*
169+75	Single arch	4, 180	2, 550	5, 960	12, 690	16, 170	6, 132	22, 302	38
251+20	Double arch	3, 675	8, 817	15, 708	28, 200	28, 050	15, 216	43, 266	123
266+75	Box	.....	4, 410	.....	4, 410	11, 760	6, 090	17, 850	26
311+47	Single arch	1, 648	2, 838	1, 008	5, 494	11, 430	5, 688	17, 118	41
349+65	....do	2, 205	6, 222	2, 415	10, 842	23, 210	8, 850	32, 060	64
419+65	3-box	.....	18, 216	3, 048	21, 264	47, 822	46, 522	94, 344	217
		11, 708	43, 053	28, 139	*82, 900	138, 442	88, 498	226, 940	509

* 3,070 cubic yards.

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Estimate for six culverts.

Quantities and items.		Price.	Amount.	Total.
3,070 cubic yards masonry	per cu. yard	$9 00	$27, 630 00	
132,442 feet, board-measure, hemlock	per 1,000 feet	20 00	3, 768 84	
88,498 feet, board-measure, pine	do	45 00	3, 982 41	
509 pounds iron	per pound	06	30 54	
				$35, 411 79

Bridges from Hudson River, via Old Mohawk and Erie Canal, to Albany.

No.	Width.	Span.	Excavation.	Ashlar-masonry.	Pier and abutment masonry.	Concrete.	Pine.	Hemlock.	Iron.
Railroad.				*Cu. yds.*	*Yds.*	*Yds.*	*Ft. b. m.*	*Ft. b. m.*	*Lbs.*
1	Single	190	.....	30	410. 47	28	.....	.....	.....
2	Double	190	233	86	1, 573. 5	45	10, 500	13, 708	570
Road.									
1	20	190	204	35	510	40	7, 700	10, 680	510
2	30	165	319	60	981	45	10, 500	13, 708	570
3	30	165	319	60	981	45	10, 500	13, 708	570
4	30	165	319	60	981	45	10, 500	13, 708	570
5	50	165	479	121	1, 834	73	16, 373	24, 192	960
6	30	165	319	60	981	45	10, 500	13, 708	570
7	30	165	319	60	981	45	10, 500	13, 708	570
8	30	165	319	60	981	45	10, 500	13, 708	570
9	20	165	204	35	510	40	7, 700	10, 680	510
10	30	165	319	60	981	45	10, 500	13, 708	570
11	20	165	204	35	510	40	7, 700	10, 680	510
12	20	165	204	35	510	40	7, 700	10, 680	510
13	20	190	204	35	510	40	7, 700	10, 680	510
14	20	190	204	35	510	40	7, 700	10, 680	510
15	20	190	204	35	510	40	7, 700	10, 680	510
16	20	190	204	35	510	40	7, 700	10, 680	510
17	20	190	204	35	510	40	7, 700	10, 680	510
18	20	165	204	35	510	40	7, 700	10, 680	510
19	30	165	319	60	981	45	10, 500	13, 708	570
20	40	165	409	80	1, 191	56	11, 885	18, 516	740
21	20	190	204	35	510	40	7, 700	10, 680	510
Total	.....	.....	5, 917	1, 182	18, 466. 97	995	207, 458	283, 560	12, 440

Bridges from Hudson River, via Old Mohawk and Erie Canal, to Albany.

Quantities and items.		Price.	Amount.	Total.
5,917 cubic yards excavation	per cu. yd	$0 28	$1, 656 76	
1,182 cubic yards ashlar-masonry	do	15 00	17, 730 00	
18,467 cubic yards pier and abutment	do	13 00	240, 071 00	
995 cubic yards concrete	do	5 00	4, 975 00	
207,458 feet, b. m., pine	per 1,000 ft	45 00	9, 335 61	
283,560 feet, b. m., hemlock	do	20 00	5, 671 20	
12,440 pounds iron spikes and nails	per lb	06	746 40	
				$280, 185 97
Superstructures.				
1 double-track railroad-bridge, 190 feet span		24, 700 00	24, 700 00	
1 single-track railroad bridge, 190 feet span		16, 150 00	16, 150 00	
7 road-bridges, 190 feet span, 20 feet wide		14, 440 00	101, 080 00	
4 road-bridges, 165 feet span, 20 feet wide		10, 560 00	42, 240 00	
8 road-bridges, 165 feet span, 30 feet wide		12, 870 00	102, 960 00	
1 road-bridge, 165 feet span, 40 feet wide		15, 015 00	15, 015 00	
1 road-bridge, 165 feet span, 50 feet wide		16, 995 00	16, 995 00	
				319, 140 00
				599, 325 97

Mohawk River division, three bridges	$91, 995 13
Erie Canal division, twenty bridges	507, 330 84
	599, 325 97

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Estimated cost of adding 2 feet in height to two locks and pier-walls, West Troy side-cut.

Quantities and items.		Price.	Amount.
303 cubic yards lock-masonry	per cu. yd.	$13 00	$3,939 00
379 cubic yards vertical wall	do	5 00	1,895 00
1,768 feet, board-measure, oak timber	per 1,000 ft.	60 00	106 08
20 pounds spikes	per lb.	06	1 20
36 pounds bolts	do	12	4 32
2,093 cubic yards lining	per cu. yd.	50	1,046 50
2,093 cubic yards embankment	do	28	586 04
Snubbing-posts, &c			300 00
Total			7,878 14

From Hudson River, via Old Mohawk and Erie Canal, to Albany.—Property damages.

Quantities and items.		Price.	Amount.
Land and buildings, West Troy			$190,700 00
Land and buildings, Port Schuyler			61,900 00
Land and buildings, Troy road			21,000 00
Land and buildings, Albany			175,000 00
22.5 acres land, Hudson River to Albany	per acre.	$300	6 750 00
Total			454,550 00

From Hudson River, via Old Mohawk River and Erie Canal, to Albany, Mohawk River division, 2.25 miles.

Quantities and items.		Price.	Amount.
35,932 cubic yards excavation, earth	per cu. yd.	$0 28	$10,060 96
277,677 cubic yards excavation, rock	do	1 00	277,677 00
291,343 cubic yards excavation, dredging	do	25	72,835 75
Lock No. 1, (A,) 10.25 feet lift			115,641 00
Single-track railroad-bridge			22,041 00
Double-track railroad-bridge			47,516 00
Road-bridge			22,436 00
Total			568,210 64

From Hudson River, via Old Mohawk and Erie Canal, to Albany, Erie Canal division, 6.06 miles.

ESTIMATE.

Quantities and items.		Price.	Amount.
1,166,463 cubic yards excavation of earth	per cu. yd.	$0 28	$326,609 64
149,895 cubic yards excavation of rock	do	1 00	149,895 00
66,413 cubic yards vertical wall, in cement	do	5 00	332,065 00
420 cubic yards slope-wall	do	2 00	840 00
29,577 cubic yards lining	do	50	14,788 50
32,025 cubic yards puddling	do	30	6,607 50
2 locks			289,498 17
6 culverts			35,411 20
20 bridges			507,330 84
Raising locks, &c., West Troy side-cut			7,778 14
Total			1,670,754 58

GENERAL SUMMARY.

	Amount.
Mohawk River division, 2.25 miles	$568,210 64
Erie Canal division, 6.06 miles	1,670,754 58
Property damages	454,650 00
Engineering and contingencies, 10 per cent	269,361 52
Total, 8.31 miles	2,962,976 74

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In obedience to law, a copy of the reports of Maj. William P. Craighill, of the Corps of Engineers, on the examination and cost of construction of the third subdivision of the central transportation route.

JANUARY 27, 1875.—Referred to the Select Committee on Transportation Routes to the Seaboard and ordered to be printed.

WAR DEPARTMENT, *January* 27, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in compliance with the requirements of the river and harbor act of June 23, 1874, copy of report of Maj. William P. Craighill, Corps of Engineers, upon the examination and cost of construction of the third subdivision of the central transportation route, this being one of the routes indicated in the report of the Senate Select Committee on Transportation Routes to the Seaboard.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 25, 1875.

SIR: In further compliance with the requirements of the river and harbor act of June 23, 1874, for surveys and estimates for the improvements recommended by the Senate Committee on Transportation Routes to the Seaboard, I have the honor herewith to submit a copy of the report of Maj. William P. Craighill, Corps of Engineers, upon the examination and cost of construction of the committee's third subdivision of the central transportation route, which comprises a connection by canal or freight-railway from the Ohio River, or Kanawha River, near Charleston, by the shortest and most practicable route through West Virginia to tide-water in Virginia.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brig. Gen. and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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THIRD SUBDIVISION OF THE CENTRAL TRANSPORTATION ROUTE.

UNITED STATES ENGINEER OFFICE,
Baltimore, Md., January 13, 1875.

GENERAL: On the 2d of July, 1874, instructions were received from you of the following tenor:

* * * * * * *

The river and harbor act, approved June 23, 1874, contains an appropriation of surveys and estimates for the improvements recommended by the Senate Committee on Transportation Routes to the Seaboard upon four routes indicated in the report of said committee, to be expended in such manner as will secure the greatest amount of exact information for each of said routes.

The survey of that portion of the central route designated as "a connection by canal, or a freight-railway, from the Ohio River, or Kanawha River, near Charleston, by the shortest and most practicable route through West Virginia to tide-water in Virginia," is assigned to you.

The nature and object of these surveys are fully set forth in the report of the committee, with its appendix and evidence, copies of which have been forwarded to you from this office for your information and guidance. You should, as far as practicable, carry out the views of the committee.

The sum of $48,000 will be allotted to you for this service from the above appropriation, and you will please enter upon this duty as early as practicable.

* * * * * * *

No delay was permitted in unnecessary preparations for the performance of the duty thus marked out, but some time was requisite for securing the services of persons competent to do thoroughly much and difficult work in the remainder of the season for such operations, which was then nearly or quite half past. It is proper here to explain that the responsibility resting upon me for the supervision of and disbursement of public funds for numerous works of river and harbor improvement in Maryland, Virginia, and North Carolina as far south as, and including, the Cape Fear River, made it impossible that I should take any part in the actual surveys, although frequent visits were made to those having them in charge, and a constant intercommunication was maintained by mail and telegraph.

The surveys were naturally divided into those relating to the water-line and those pertaining to the alternative freight-railway. The opinion has been more than once expressed that further surveys were necessary to procure more definite and detailed information concerning the water-line, and that a sum, not less than $25,000, was required for that purpose. I had also, when called upon officially for an opinion, stated that $25,000 were also needed for surveys for the location of the alternative freight-railway, but in making that statement it was my understanding that the surveys for the freight-railway would be confined to a narrow tract quite near the water-line for which it was to be the alternative. When, however, the field of investigation was extended by the Committee on Transportation to a search for a railway-line "from the Ohio River, or Kanawha River, near Charleston, by the shortest and most practicable route through West Virginia to tide-water in Virginia," it became obvious at once that more time and money would be necessary for proper surveys and estimates than had been expected. It was deemed fair to apply equal shares of the allotted $48,000 to the water-line and the railway-surveys and estimates.

The report of the committee indicated (p. 182) the points to which special attention should be given in the water-line surveys. That report says:

* * * From the opinions expressed by the board of engineers it appears—

First. That the exact location of the tunnel is undetermined as yet. It is decided by the board that the size of the tunnel shall be changed to the dimensions above mentioned.

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Second. That additional surveys are necessary in order to determine the question as to whether it is better to construct a canal from the summit to the Kanawha River, or to adopt the present plan of slackwater navigation, and that additional surveys are necessary for determining the principal points referred to in the report of the board.

* * * * * * *

The surveys relative to the summit-tunnel were committed, early in July, 1874, to the immediate charge of Lieut. Thomas Turtle, Corps of Engineers, United States Army, under instructions, from which the extract below is made:

* * * As soon as you can complete the necessary arrangements, you will proceed to the neighborhood of the Lorraine tunnel, on the Alleghany summit of the central water-line, and there undertake such further investigations and surveys as may be required to furnish the information needed to enable a definite and final location to be made of that important feature of the line, and to put the work promptly under contract should Congress provide the means.

While locating the tunnel as a means of passing a great communication through the mountain, you will bear in mind also its office as the summit-level of a canal, and consider carefully the best means of connecting it with the canal or slackwater at either end, and of maintaining its supply of water by suitable feeding arrangements, assuming that supply to be sufficient.

Your service with the board of engineers last winter and spring, and your knowledge of the various points connected with this subject, discussed verbally and in written reports by them, make it unnecessary for me to give further than the general instructions above.

It is my expectation that, upon completing the field-duties thus indicated, you will supervise the preparation of illustrative drawings and maps, accompanied by a full report, in which, with other questions, I desire you to discuss the use of the tunnel by the application of horse-power or steam in the various modes which have been elsewhere tried and suggested, and all other matters pertaining to it.

It is important that a report, as complete as time and means will permit, shall be made to Congress at as early a day in the next session as possible; not later than January 1, 1875. * * * * * *

You will engage as many assistants, of different grades, as may be necessary, keeping down their compensation, and, indeed, all expenditures, to the minimum limit compatible with fairness, and the accomplishment of much and reliable work in a comparatively short time. * * * * *

Free and full communication of your views at all times is invited. I shall watch your operations with very great interest, expecting most valuable and creditable results therefrom, to the attainment of which you shall have my constant and ready aid by every means whereby it can be properly rendered. * * *

The further surveys of the Greenbier and New River were placed in the hands of Mr. A. H. Hutton, assistant engineer, under instructions from which the following extracts are made, some of the other general paragraphs, not quoted, being identical in phraseology with those ahead given from the instructions of Lieutenant Turtle.

* * * * * * *

You will enter upon a re-survey of the Greenbier River below Howard's Creek, and of New River below the Greenbier, the objects being to fix the precise location of dams and other details of the slack-water navigation of these streams, with the collection of such additional information as will enable a detailed determination to be made of the location and cost of the canal, which by some engineers is considered a necessity for that part of the line, and by others a desirable though not a necessary alternative to the slack-water. You will keep in view, also, the possible advantages to be gained by resort to tunnels for avoiding difficult localities in the valley of New River specially, and thereby at the same time shortening the line either of the slack-water or canal navigation. It is desired, if possible, that the information you gain will be such as to enable the work along that portion of the line to be put promptly under contract should Congress provide the means.

Much valuable matter has been already accumulated concerning this part of the line through the labors of your able predecessors, which should be freely used.

* * * * * * *

Well-organized and equipped parties of competent assistants were very speedily in the field and actively at work. Mr. Hutton commenced operations at the mouth of Howard's Creek on the Greenbier River, but it soon became apparent that there was an unequal distribution of work

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between him and Lieutenant Turtle, and, in consequence, Mr. Hutton's parties were moved down to the mouth of the Greenbier, and it was arranged that Lieutenant Turtle's parties should complete the Greenbier field-work after finishing what was necessary for the summit division.

Still later in the season, and quite unexpectedly, I was directed to relieve Major Merrill, Corps of Engineers, of the charge of the improvements of the Great Kanawha River, and of its surveys from the Great Falls to the Ohio River.

I was unable to meet Major Merrill until the middle of August, as he was detained elsewhere by duties which he found himself unable to postpone. As soon thereafter as possible, about the 20th of August, 1874, the survey of the Great Kanawha was placed in the hands of Mr. A. M. Scott, the competent local assistant-engineer, in charge of the improvement of the river. The instructions given him were the following:

* * * * * * *

Wishing to avail myself of your assistance and special local knowledge of the Great Kanawha River, having in view the necessity of further surveys to enable such a report to be made as seems to be required by the Senate Committee on Transportation, in order to the formation of a definite conclusion as to the proper method and the cost of permanently improving the river so as to give a *useful depth* of not less than six feet at all stages of water, which means actually a depth of not less than seven feet, I have to request you to make such additional examinations from the falls to the mouth of the river as will give you the means for the following objects:

1st. A revision of Mr. Lorraine's estimate for sluice-navigation, with the help of a reservoir.

2d. A revision of Mr. Lorraine's estimate for a lock-and-dam navigation, with locks 240′ × 40′.

3d. An estimate of the cost of a lock-and-dam navigation, the lock to be about 250′ × 50′.

4th. An estimate of the cost of movable dams, with large locks.

The estimate should be in detail, and be liberal. The accompanying report should treat the whole subject fully, and should be in my hands by December 15, 1874.

* * * * * * *

Under the phraseology of the Senate Committee, designating the eastern termination of the freight-railway as "tide-water in Virginia," it became necessary to consider in that connection the whole line from Alexandria to Norfolk, and a communication by mail thence to the Ohio.

The language of the committee probably excluded from examination the claims to consideration of the route of the great and highly important and valuable artery of trade and travel known as the Baltimore and Ohio Railway, although (by its Parkersburgh and Metropolitan branches, the former intersecting the Ohio in West Virginia, and the latter and its connection debouching on the Potomac River, the great tidal-stream of Virginia, and by the main road and its branches passing through much of the territory of Virginia and West Virginia) the combination fills nearly the requirements of my instructionn. The merits and advantages of that route are too well known by the whole country to require anything more in this report than a simple reference to them.

It became necessary, however, to look over the whole of Virginia south of the Baltimore and Ohio line, and to discover any other which was practicable through "West Virginia to tide-water in Virginia," in order to determine which was "the shortest and most practicable." Several railroads had been already constructed in whole or in part, and several others had been projected, and it was therefore desirable to utilize, as far as possible, the information already gained from previous surveys for those routes, and with that object to have the service of

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reliable civil engineers who had been engaged in responsible and important positions in connection with them.

About this time Mr. H. D. Whitcomb, the constructor of much of the Chesapeake and Ohio Railroad from Richmond to Huntington, resigned his position as its chief engineer. With your assent his services were at once secured, and, much to my gratification, he entered very promptly upon the work under instructions, from which the following extracts are made:

* * * * * * *

The War Department has placed under my supervision, and expects a report upon, the survey of that portion of the "central line" of communication, designated by the Senate Committee on Transportation as "a connecting-link by canal or a freight-railway, from the Ohio River, or Kanawha River, near Charleston, by the shortest and most practicable route through West Virginia, and to tide-water in Virginia," the desire being to secure this season the greatest amount of exact information as to the object mentioned above, to be in readiness for consideration by Congress at its next session.

These instructions, while of a very general character, yet fix certain terminal limits and an intermediate belt of country over which our investigations are to extend, as far as the time and means at command will permit.

The western terminal point may be taken as the area of which Charleston is the center. The eastern is the tide-water in Virginia, which we may regard as practically extending from Alexandria to Norfolk.

Nature has herself well marked the proper central line of water-communication from the great valley of our great river, the Mississippi, to the Atlantic seaboard. She has stretched out the Ohio, and only that stream, far to the east. We naturally leave the Mississippi Valley by that line in looking for a connection with the Atlantic. The head-waters of the Ohio and its tributaries approach so nearly those of the James and Potomac that attention is inevitably turned to those streams in considering a prolongation of the water-line to the Atlantic.

Our present instructions and after-indications limit us to the James River route for the water-line. Much time and money have already been spent upon it, and two parties will again be engaged this season in further investigations which are deemed necessary, and are expected to settle all remaining doubts as to the cost and practicability of the line.

Your familiarity with the country traversed by the Chesapeake and Ohio Railroad, and as to improvements in location, &c., which might be made in it, induced me at once to desire your aid in considering the subject of the freight-railway, which has been recommended as an alternative to or connecting-link at the summit of the water-communication.

As you have agreed to undertake a portion of the necessary investigations, I will request you to direct your attention to the following points:

1st. The conversion of the Chesapeake and Ohio line from the Ohio to Clifton Forge into a double-track freight-way, with due regard to its usefulness as a great through-route for passenger-travel.

2d. The construction of the continuation of such a railway from Clifton Forge eastward, terminating on the York or James Rivers or Hampton Roads. This portion might possibly be by the present line of the Chesapeake and Ohio Railroad to Richmond, or via Lynchburgh down the Valley of the James, or otherwise to Richmond or City Point, or to Norfolk or City Point, via the South Side and Norfolk and Petersburgh route.

Mr. C. P. Manning is considering the availability of the country between the Baltimore and Ohio line, and that of the Chesapeake and Ohio, for the proposed freight-railway. It might be deemed best to take the line of the Washington City, Virginia Midland and Great Southern Railway from Gordonsville to Alexandria, or from Gordonsville, via Fredericksburgh, to tide-water near Quantico, or some other point on the Potomac near there. On this part of the investigation his examination and yours will cover some of the same ground. It would be well, therefore, that you and he should have a conference, so as to avoid double work, while availing ourselves of all reliable attainable information from every quarter, supplementing it, when necessary, by reconnaissances and surveys.

Our reports should be in Washington not later than January 1, 1875. I should wish them to be in my hands December 15, 1874, for combination and consideration, in order to the preparation of my own report to General Humphreys.

* * * * * * *

Of course we must, in the performance of this duty, discard all preferences or prejudices toward any route or locality, but attempt to learn the real advantages and defects of all as to grade, length, terminal facilities, &c., considering only their avail-

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ability in *whole*, in *part*, or in *combination*, to make a freight-railway worthy of the nation and useful to its people, while not interfering with passenger-travel. The question of maintenance and use, practically and suggestively, should be considered in your report, as well as those of construction, equipment, &c.

Our operations should be so conducted as to attract as little public attention as possible, and to avoid newspaper or individual controversy and criticism.

All this will follow our reports *ad nauseam* no doubt, and our only care should be to be prepared with facts and figuress to sustain the opinions and results we may arrive at.

* * * * * * *

I esteemed myself very fortunate, also, in having the opportunity to engage, for the examination of the belt of country between the Baltimore and Ohio line and the Chesapeake and Ohio line, Mr. C. P. Manning, who had much personal familiarity with that region. He acted under instructions similar in character and identical in language as far as possible with those given to Mr. Whitcomb.

Mr. Whitcomb having been appointed by the President of the United States a member of the last board of engineers, to whom was committed the subject of the consideration of the best method of permanently improving the navigation at the mouth of the Mississippi River, a duty which carried him to Europe, was unable to take a very large part of the field-duties; but his chief assistants, Mr. R. H. Temple and Mr. C. R. Howard, were very competent, faithful, and zealous. The reports of Mr. Whitcomb and the subreports of those gentleman are forwarded with this. The previous surveys of the Chesapeake and Ohio railroad were freely used, and our thanks are due General Wickham on that account, and for many facilities afforded also in the surveys for the water-line.

My attention was called by influential and prominent persons specially to the line of the road formerly styled the Alexandria, Loudon, and Hampshire, and the line of a road lately projected, and known as the Potomac and Ohio road. The former has had a western extension projected, and is now called the Washington and Ohio road.

The president of the Washington and Ohio road, Mr. Lewis McKenzie, placed his maps, &c., at the disposal of Mr. Manning, and Mr. Bangs, president of the Potomac and Ohio line, gave all the information and assistance he could.

Mr. Manning had the aid of Mr. Addison Marbury, who joined much knowledge of the country traversed by him to a good experience as an engineer, and was specially recommended by those who seemed interested in the Washington and Ohio road.

Mr. Manning's report is attached hereto. It will be found, like that of Mr. Whitcomb, exceedingly interesting and valuable. I feel much hesitation in differing from the conclusions formed by either of such able and experienced railroad engineers, but it is my belief that the use of a railway, by opening it to competition by all, as is the case with a canal, would be found impracticable, and as it would also be to transport 8,000,000 tons of freight per annum each way. It is also my conclusion that a double-track freight-railway from Charleston eastward to tide-water, answering the conditions which such a road should fulfill, and along the best route which could be adopted, would be between four hundred and four hundred and seventy-five miles in length. To take the road to the Ohio would require an extension of about fifty miles, and I should expect the cost of the United States freight-railway to come up to about $45,000,000, not including terminal facilities, rolling stock, &c. These would cost about $25,000,000 more.

The freight-railway route of which the tide-water termini are on the upper Potomac have the advantage of a less length. Those terminating

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farther south have the advantages of much lower grades and a delivery of freight much nearer the ocean.

The date at which the money for the water-line surveys was provided by Congress was so late that it was necessary to keep the parties in the field up to the last day allowed by the cold weather. But little time was thus left for the preparation of detailed maps, without which a definite location of the parts of the line and complete estimates cannot be made. These maps and estimates are not yet ready, and cannot be for some time. I propose, however, to submit some general conclusions, which may, in my judgment, be safely drawn from them. The additional careful and extensive surveys of this season leave no reasonable room for doubt, it seems to me, of the practicability of taking through the 7-foot water-line, either by canal or slack-water, or a combination of these methods, at a cost about as stated by the Barnard-Latrobe board of engineers in their report of March 18, 1874, in a resolution of the effect that the cost will not exceed $60,000,000, may reasonably be expected to be within $55,000,000, and may possibly not exceed $50,000,000.

No further surveys are necessary for locating the work in detail and putting it out to contract, should funds be provided. The surveys for the water-line will also be very valuable in locating a railway, should it be decided to adopt that as the alternative, in whole or in part, for the water-line. Lieutenant Turtle has developed two other tunnel-lines in the neighborhood of the White Sulphur Springs, either of which, as well as that located by Mr. W. R. Hutton in 1870, is available and practicable. It has been demonstrated that good sites can be had for all the dams on solid rock, and it is unnecessary to consider the case of founding on bowlders, as proposed by Mr. Lorraine, an idea to which the board of engineers with prudence and propriety demurred. His location has been improved upon in other important particulars. Here I will call attention to the peculiar exemption of this route from the influence of ice, as is proved by the facts stated in the report of Mr. Whitcomb, the results of reliable observations.

It would seem impossible that the future will not see the construction of this water-line, the location of which nature has pointed out in so plain and remarkable a manner, and for which she has afforded so many unusual advantages. If it should be desired to build a railway in advance of the water-line, it is my duty to say that its construction would very greatly impair the availability of the route for the location of an independent canal, and would interfere very seriously with a slack-water improvement.

In comparing the two methods of transporting freight, it is impossible to refrain from noting the greater capacity of the water-line over any double-track railway, the far less cost of maintenance and administration of the water-line, and the real difference of the first cost of the two is not so great as seems superficially apparent, for to the cost of any railway which the United States will be likely to build should properly be added the cost of its expensive equipment.

Special attention having been called to the Great Kanawha River, because, it is supposed, of its importance (apart from its being a link in the central water-line) as an available and the most economical means of transport of the immense mineral wealth on and near the banks of itself and its tributaries, a few words will be here added concerning that stream.

In his report to me, which is printed in the annual report of the Chief of Engineers for 1873, Mr. E. Lorraine presents two estimates—one of

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$2,000,000, for an open navigation through sluices in dams; another of a little less than $3,000,000, for a lock-and-dam navigation. The sluice navigation required the construction of the Meadow River reservoir, and is, necessarily, to some extent experimental. It was expected to be applied from Paint Creek down, as locks and dams are necessary from that point up to Kanawha Falls on account of the rapid fall. Both estimates of Mr. Lorraine contemplated providing for boats drawing 6 feet water, which is suitable for the river, whether viewed locally or in its connection with the central water-line. In the lock-and-dam system, estimated for by Mr. Lorraine, he considered locks twice as long and twice as wide (240′x40′) as those of the enlarged (proposed) James River Canal. His idea was, while making sufficient provision, as he thought, for the wants of the navigation independently of the through water-line, to arrange the dimensions of the locks so as to admit either four of the canal-barges or three barges and a towing-tug. The aspects of the question have somewhat changed since Mr. Lorraine's report, although it was made in 1872.

In the first place, the board of engineers of 1874, in their report on the water-line, look to the advantages of larger locks on the canal, which would really necessitate larger locks on a portion, at least, of the Kanawha, on the supposition even of the use of sluices below Paint Creek. The shippers of coal and salt, the great products of the country at present, say that the sluices would not accommodate their trade, and that locks 240′x40′ are too small.

The operations carried on for years past by the Kanawha River board, under the authority of the State, with funds coming from tolls, have had for their object the creation or improvement of chutes at the falls or rapids between pools. The effect of this, while increasing the facility, or rather diminishing the difficulty, of passages between pools, has been to lower the pools themselves, and in some cases to develop shallows in them, hurtfully obstructing navigation. This process is evidently just the reverse of the lock-and-dam system. Persistence in the former will ultimately and certainly lead to the latter.

The sluice-and-dam method is intermediate between these extremes, but it is experimental, and is dependent for success upon a reservoir, besides being, as the users of the river claim, inadequate if successful.

If the system of movable dams with permanent locks could be made applicable to this river, it would seem to provide for all requirements and meet all reasonable objections.

I incline now to the opinion that the ordinary lock and dam system will finally be adopted for the whole length of the river, and with locks larger than those proposed by Mr. Lorraine, or the system of movable dams will be used.

Revised estimates have been made for the improvement, by locks and dams, of the Great Kanawha; locks to be 260 feet by 50, with the additional light thrown upon the subject derived from the recent surveys of Mr. Scott in 1874. It is gratifying to be able to state that the total does not differ materially from the estimate of Mr. Lorraine for a similar system, but with locks somewhat smaller, viz, $3,000,000.

It has not been practicable to prepare the estimates for the improvement by the use of movable dams, or the report to accompany the estimates.

It is expected that a report, with detailed estimates, will be made later for the whole water-line from the mouth of the Kanawha to Richmond.

Two maps are sent, to accompany report of Mr. Whitcomb, the first

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showing proposed route for a freight railway between Lynchburgh and Chesapeake Bay; and the second being a general map of first and second divisions of United States Government freight railway survey down James River, giving location from Clifton Forge to a point twelve miles above Lynchburgh.

To illustrate the report of Mr. Manning, there is sent a reduced copy of the nine-sheet map of Virginia, on which are located the several independent and combined routes to which he refers. To this sheet are attached profiles of the Washington and Ohio Railroad, and of the Potomac and Ohio Railroad.

Respectfully submitted.

WM. P. CRAIGHILL,
Major of Engineers.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

FREIGHT RAILWAY BETWEEN CHARLESTON, ON THE KANAWHA, AND DEEP WATER ON CHESAPEAKE BAY.

Report of Mr. H. D. Whitcomb, Assistant Engineer.

RICHMOND, VA., *December* 23, 1874.

COLONEL: In accordance with your instructions, the surveys necessary to ascertain the cost of a double-track freight railway between Charleston, on the Kanawha, and certain points on the waters of Chesapeake Bay, where there is depth of water for the largest ships, have been made, and the following reports and estimates are submitted.

All of the lines contemplated had been previously surveyed, and in most cases built upon, except between Clifton Forge and Richmond, following the waters of James River; and the only surveys made under the appropriation have been between these points. Information as to other parts of the contemplated lines has been obtained from the officers of the Chesapeake and Ohio Railroad Company and from the published reports of other railroad companies in Virginia.

The surveys between Clifton Forge and Richmond were made by Messrs. C. R. Howard and R. H. Temple, to whom the credit of the work is due, and whose reports are submitted in lieu of a more detailed statement of my own.

The route of the proposed railway begins to the west, at Charleston, on the Kanawha River. It ascends eastwardly the valleys of the Kanawha and its tributaries, the New River, the Greenbrier River, and Howard's Creek, to the summit, or the crest, of the Alleghany Mountain, which is pierced at an elevation of less than 2,000 feet above tide. Thence it descends by the valleys of Dunlap's Creek and Jackson's River, tributaries to James River, and along the valley of James River in general direction to the sea. The route is recommended with the confident expectation that in point of grades, cost, and other characteristics, it has no rival.

The great obstacles to cheap transportation on a railway are adverse grades. If the amount of tonnage carried in each direction is the same, a level line is best, and if a large portion is carried in one direction, a descending grade in that direction is best. It is plain that a uniformly descending grade is not practicable between the waters of the Ohio and Atlantic ports, and we must select that route which approximates most closely to this to secure the most favorable results. In addition to this, the eastern terminus should be at a point where there is abundant depth of water, a free access to the sea for the heaviest ships, and where the climate secures a freedom from obstructions from ice.

The minor considerations which apply to other routes as well as to this, are that the road-bed and track should be as perfect as a due regard to economy can suggest; that every "grade crossing," whether of common roads or of railroadss, hould be avoided; that the bridges should be of indestructible materials and the rails of steel.

The trains should be run at a uniform speed and at such a rate as to develop the utmost economy. My impression is that this would be about eight miles an hour; and this is probably as much as the freight trains carrying heavy tonnage now average over existing roads. By excluding all passenger or other fast trains, the trains on the proposed road could be run at uniform velocities, and, at the rate mentioned, with a very low liability to accident, and a maximum (or nearly so) of economy in fuel. On

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existing roads while the running time between terminal points may be sufficient for the requirements of the average speed mentioned, yet in consequence of freight trains being forced to get out of the way of and to lie off for fast trains, they are frequently run at very high speeds—quite often for thirty miles an hour for limited distances. It is not safe to run cars at a high speed which are loaded for a low one, and consequently, on existing roads, either they are not loaded to their capacity or are run with a liability to accident. This is a very important element of expense.

If trains were run at a lower rate of speed the cars could be made lighter or else loaded more heavily, thus lessening the amount of dead-weight carried. At an average speed of eight miles an hour, with a maximum of twelve miles, cars could be loaded one-third more heavily than any prudent railroad official would be willing to risk as they are now run on roads doing a mixed business. On a double-track railway, with the trains run in this way, accidents would be rare, the trains would move with brief intervals between them and almost continuously, and an immense amount of tonnage could be transported. The intervals referred to need be only for such time as coaling the engines, the way-traffic, and the repairs of track would require; and it is not improbable that eight million tons of freight could be carried in each direction annually. If faster trains, either for passengers or express-freight, were required, a third or fourth track should be laid for their exclusive use.

In the following estimate, it will be observed that nothing is allowed for machinery and rolling-stock, or for buildings, except to a limited extent. On a railway where the trains would move at a uniform and low velocity, if rigid inspection were used and suitable rules, with pecuniary penalties for violation, made and enforced, any persons or company could run their own machinery. In this way the railway would be open to competition just as canals now are, and the cost of transportation reduced to a minimum. The Government would simply receive sufficient toll to maintain the railway and pay interest on its cost, and as a very large proportion of this road-management could better be done by contract, the number of men in the direct employment of the Government would be quite limited.

From any point on the Great Kanawha, an important tributary of the Ohio, it is practicable, with a cost not exceeding that of existing railways between the Atlantic and the West, to construct a railway to tide-water on the waters of the Chesapeake Bay, *with grades against eastward-bound trains not exceeding* 20 *feet per mile*, and with grades in the opposite direction not exceeding 60 feet per mile. The amount of these maximum grades is very limited, and it is *practicable* to construct the railway from Charleston to tide-water with but one summit, which would be at the crest of the Alleghany Mountain and at an elevation of less than 2,000 feet above the level of the sea. I regret that limited time and appropriation did not permit a more thorough examination of this route, so that in point of distance and cost this *one summit-line* could be compared with the line as run.

Further surveys might show that it would be econony to reduce the 60-foot grade on the eastern slope of the Alleghany to 47 feet, and this can probably be done by increasing somewhat the tunneling now estimated for at the crest.

In making this statement, I wish to be understood as not stating possibilities merely, but that I would recommend these grades as most conducive to economic results, to any railway company expecting to transport from 5,000,000 to 10,000,000 tons of freight annually from the West to Atlantic ports over this route. The *possible* grades are lighter than those I have mentioned.

I take the liberty of suggesting to you, although beyond the limit assigned to me, that it is practicable to extend such a railway westwardly, with even lighter grades, to Cincinnati, and points farther west, as the valley of the Ohio forms a very direct continuation of this route from the sea.

From Charleston the railway would follow, or be parallel to, the line of the Chesapeake and Ohio Railroad to Clifton Forge on the waters of the James River. This road is constructed between these points with no grades facing westward over 21 feet per mile, (except that for about 12 miles on the western slope of the Alleghany there are grades of 30 feet,) and none in the opposite direction over 60 feet. There is one short grade facing westward slightly over 30 feet per mile on Jackson's River, but a very small sum would reduce it to the maximum stated. The grades ascending the Alleghany can be reduced to 20 feet per mile by taking the right bank of Howard's Creek for most of its course, (the Chesapeake and Ohio Railroad occupying the left bank,) and piercing the mountain with a tunnel 9,050 feet long in place of the present tunnel of 4,700 feet. This new tunnel would have two shafts of 160 and 190 feet depth respectively, dividing the tunnel into three nearly equal sections, and could be completed in less than three years. After passing the summit the grade would coincide generally with that of the Chesapeake and Ohio Railroad. The results of the surveys east of Clifton Forge are given in detail in the accompanying reports of Messrs. Howard and Temple, who had charge of the work.

The course of the James River is tortuous, and to save distance the line was run crossing several of its bends. To avoid the great bend of the river east of Lynchburgh,

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a line was run as direct as practicable, conformable to the low grades from Holcomb's Rock, 9½ miles west of Lynchburgh, passing southward of that city to Concord Depot, on the Atlantic, Mississippi and Ohio Railroad, and thence to Richmond.

From Clifton Forge to Holcomb's Rock the line, as run, is $61\frac{83}{100}$ miles in length and is shorter than a strictly river-line by 134 miles. The maximum grade eastwardly is 20 feet and westwardly 47½ feet per mile. In this distance there will be no curve of less than 1,000 feet radius.

From Holcomb's Rock to Concord Station grades of 30 feet per mile are necessary unless a considerable detour and expense are encountered. From Concord Station to Richmond the grades are more favorable.

If the grade of 20 feet per mile were adhered to, it would seem necessary for the line to follow the valley of the James with a considerable loss in distance. This route was not examined for want of time. The distance from Lynchburgh to Richmond by canal is 147½ miles; by line as run $117\frac{7}{10}$. It is probable that a railroad line down the valley of the river would be shorter than the canal, and although in the estimate of distance I have allowed a difference of but three miles, probably a greater saving could be made.

At Concord Station a connection is made with the Atlantic, Mississippi and Ohio Railroad, by which a line to Norfolk with favorable grades and curvature is secured. A connection with this line can also be made at Lynchburgh, thereby saving the construction of twelve miles of road, but an objection to a connection at this point is a grade of 47 feet per mile, going east, which occurs on a portion of the line between Lynchburgh and Concord Station, where it leaves the valley of the former and ascends to the ridge or table-land south of the river. It is probably better, however, Norfolk being the objective point, to join this road at Lynchburgh, and to use assistant power to overcome the grade referred to. From Concord Station to Petersburgh the grades going east are under 20 feet per mile. Between Petersburgh and Norfolk the grades in each direction are $39\frac{6}{10}$ feet per mile, but the line is almost absolutely straight, and, should it be thought necessary, an increase of the length of the road would probably develop grades as low as those existing elsewhere on this route.

A resurvey of the Atlantic, Mississippi and Ohio Railroad has recently been made, and the president of the company informs me that he will send such information relating as he may think useful. This information will be ready early in January.

The harbor of Norfolk is too well known to make any statement of its merits necessary in this report.

If Yorktown or Newport News is selected as the eastern terminus, the line would pass through or near the city of Richmond, either by the route surveyed by Mr. Temple or by the valley of the James from Lynchburgh, and thence down the peninsula between the York and the James Rivers to deep water. The graduation of the line on the peninsula is light, and the grades would not exceed 20 feet per mile. At Yorktown or Newport News there is depth of water for the heaviest ships, and the approach from the sea is direct and easy.

If Alexandria or any other portion of the Potomac is selected as the terminus, I know of no route in connection with this under consideration where the grades can be reduced at practicable cost to less than 50 feet per mile. The shortest route by existing roads is by the Chesapeake and Ohio Railroad, from Clifton Forge to Gordonsville, and thence by the Virginia Midland (formerly Orange and Alexandria) Railroad to the Potomac. On this route there are several grades of 70 feet per mile, and going westward even this is sometimes exceeded.

The estimates submitted are for a double-track railway, independent of roads already built, although in many places it may be found economical to build parallel and in close proximity to them. The width of cuttings are 30 feet at base in earth and 28 feet in rock, and the embankments are 26 feet wide on top. The prices assumed average more than those paid on the Chesapeake and Ohio Railroad for similar items, and in consideration of the facilities with which supplies can now be obtained, owing to the construction of that and other roads and of the James River and Kanawha Canal, they may be regarded as sufficient.

The track proposed for this road is a steel rail of 68 pounds per yard, supported by cross-ties 9 feet long and 7 by 8 inches, laid 2 feet between centers, in ballast 18 inches thick, and is estimated to cost, with the necessary sidings included, $33,500 per mile. The sidings on a railway of this character, where passing places for fast trains will not be required, are estimated at about 6 per cent. of the total length of single track.

For seventy miles east of Charleston, this route is through a coal-field, where fuel can be had at as low a cost and of as good quality as on any line in this country—an important item in the cost of transportation.

From the Alleghany, eastward, there are many deposits of iron ore, which have been opened and worked, and have proved to be of good quality.

In other minerals and in products of the forest this route will compare favorably with others between the Atlantic and the West, and for agricultural products it has a fertile soil and a genial climate.

As evidence of the mildness of the winters along this route, I will state that since

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1857, when an extraordinary snow-storm occurred in Virginia, I have never known the trains on the Chesapeake and Ohio Railroad sensibly detained from snow. I do not know of the existence of a snow-plow on any railroad in Virginia, and I know that there are none on the Chesapeake and Ohio Railroad, and that they have not been needed on it since the year 1857, a period of seventeen years.

The distances from Charleston to the several points suggested are as follows:

Charleston to Norfolk.

	Miles.	Total miles.
Charleston to Falls of Kanawha	35.86	
Falls of Kanawha to Clifton Forge	141.71	
Add possible increased distance over Chesapeake and Ohio Railroad	3.00	
		180.57
Clifton Forge to Lynchburgh	71.23	251.80
Lynchburgh to Norfolk, (existing roads)	203.00	454.80

Charleston to Newport News as surveyed, maximum grade 30 feet per mile.

	Miles.	Total miles.
Charleston to Lynchburgh	251.80	
Lynchburgh to Richmond	117.70	
		369.50
Richmond to Yorktown	60.00	429.50
Yorktown to Newport News	20.00	449.50

Charleston to Newport News, by James River Valley to Richmond, maximum grade, 20 feet per mile.

	Miles.	Total miles.
Charleston to Lynchburgh	251.80	
Lynchburgh to Richmond, (estimated)	144.50	
		396.30
Richmond to Yorktown	60.00	456.30
Yorktown to Newport News	20.00	476.30

Charleston to Alexandria.

	Miles.	Total miles.
Charleston to Clifton Forge	180.57	
Clifton Forge to Gordonsville, (existing roads)	115.69	
		296.26
Gordonsville to Alexandria, (existing roads)	88.34	384.60

The cost of these several lines will be as follows. The cost of existing lines being ascertained from published reports, the cost of building and machinery being excluded:

Charleston to Norfolk, 454$\frac{8}{10}$ miles.

		Totals.
Charleston to Falls of Kanawha	$1,000,000	
Falls of Kanawna to Clifton Forge	11,419,208	$12,419,208
Clifton Forge to Lynchburgh	3,306,507	15,725,715
Lynchburgh to Norfolk	5,402,621	
		21,128,336
454$\frac{8}{10}$ miles track, at $33,500	15,235,800	36,364,136

Charleston to Newport News by line as run, 449$\frac{5}{10}$ miles.

		Totals.
Charleston to Lynchburgh, (surveyed line)	$16,580,662	
Lynchburgh to Richmond	3,588,407	$20,169,069
Richmond to Yorktown	699,960	20,869,029
Yorktown to Newport News	240,000	
		21,109,029
449$\frac{5}{10}$ miles track, at $33,500	15,058,250	36,167,279

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Charleston to Newport News, by James River Valley, $479\frac{6}{10}$ miles.

		Totals.
Charleston to Clifton Forge	$12,419,208	
Clifton Forge to Lynchburgh, (by river-route from five miles above Holcomb's Rock)	3,306,507	$15,725,715
Lynchburgh to Richmond, (assumed)	4,000,000	19,725,715
Richmond to Yorktown	699,960	20,425,675
Yorktown to Newport News	240,000	
		20,665,675
$476\frac{3}{10}$ miles track, at $33,500	15,956,050	36,627,725

Charleston to Alexandria, $384\frac{6}{10}$ miles.

		Totals.
Charleston to Clifton Forge	$12,419,208	
Clifton Forge to Gordonsville	3,651,028	
Gordonsville to Alexandria	2,750,000	
		$18,820,236
$384\frac{6}{10}$ miles track, at $33,500	12,884,100	31,704,336

To each of the above estimates of costs should be added the cost of such terminal facilities as would not be undertaken by private enterprise; also, of such buildings as would be needed by officers and employés. It would be difficult to ascertain the amount needed without extended research, but the extra cost would probably be not less than $2,000,000.

I have had some difficulty in ascertaining the cost of existing roads from their published reports, but the above is believed to be a fair statement of probable cost.

It should be remembered that these estimates are for a double-track road throughout, with bridges of iron or masonry, laid with a heavy steel rail on a road-bed of ample width, and with heavy ballast.

The gauge, in order to accommodate the larger part of the rolling-stock on existing roads, should be 4 feet 8½ inches. If there is economy in using a narrower gauge, as many persons contend, that economy will apply to these lines as well as to any others. I submit herewith the reports of Messrs. Howard and Temple, and maps and profiles of the lines surveyed.

Very respectfully, your obedient servant,

H. D. WHITCOMB.

Col. W. P. CRAIGHILL,
United States Engineers.

1.—FROM CLIFTON FORGE TO A POINT OPPOSITE HOLCOMB'S ROCK.

Report of Mr. C. R. Howard, assistant engineer.

UNITED STATES ENGINEER'S OFFICE,
Richmond, Va., December 17, 1874.

DEAR SIR: In accordance with instructions conveyed in your letter of July 24, with transit, level, and cross-section parties complete, early in August I began a survey to "ascertain the cost of a railway from Clifton Forge to a point near Lynchburgh."

The field-work of the survey terminated on October 16, since when the estimates of costs and the maps and profiles of the approximate railway location have been made.

The maximum grade adopted is 20 feet going east and 47½ feet going west, and the minimum radius of curvature (with the exception of one curve of 955 feet radius) is 1,000 feet.

On account of the present terminus of the James River and Kanawha Canal being at Pattonsburgh, opposite Buchanan, that point is taken as the end of the first division.

ALIGNMENT, FIRST DIVISION, FROM CLIFTON FORGE TO PATTONSBURGH.

The line, as approximately located, leaves the Chesapeake and Ohio Railroad at a point 450 feet west of the Clifton Forge station, turning into the gorge at Clifton Forge, and following down the left bank of Jackson's River for 1½ miles; thence bearing to the left, and crossing Cow Pasture River about 1,500 feet above its junction with Jackson's River, the junction forming the James River.

At Cow Pasture River cut-off No. 1 begins, crossing two ridges, and reaching James River at the mouth of Sinking Creek.

The distance by this cut-off is $7\frac{46}{100}$ miles; by the canal location, between same points, $11\frac{13}{100}$ miles; and, with the same maximum grade, by the river line, $11\frac{11}{100}$ miles. From

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Sinking Creek the line runs nearly parallel to the river, and at the foot of the high ground, for $6\frac{15}{100}$ miles to Men's Branch, at which point cut-off No. 2 begins, the line crossing a ridge, and reaching James River near Saltpeter Cave. Between those points the distance by cut-off No. 2 is $1\frac{9}{10}$ miles, and by the river line, with same grade, $5\frac{41}{100}$ miles. From Saltpeter Cave the line follows the river cliffs for one mile, to the point at which cut-off No. 3 begins, thence crossing a ridge, and reaching the river at Pawpaw Run. Distance by cut-off No. 3, $0\frac{96}{100}$ mile; by river line, $3\frac{59}{100}$ miles.

From the lower end of cut-off No. 3 the line follows the river more or less closely to Pattonsburgh, opposite Buchanan, the present terminus of the James River and Kanawha Canal. From Clifton Forge to Pattonsburgh, the distance by the railroad line, with maximum grade of 20 feet per mile, and without crossing the river, is $28\frac{37}{100}$ miles; by the canal, with four crossings of the river, 33 miles; and by river line, without ascending grade or river-crossing, is 38 miles.

ALIGNMENT, SECOND DIVISION, FROM PATTONSBURGH TO A POINT OPPOSITE HOLCOMB'S ROCK.

At Pattonsburgh, cut-off No. 4 begins, crossing a ridge, and reaching the river at a point $1\frac{2}{10}$ miles below, by railroad line, and $2\frac{1}{10}$ miles by canal or river line.

After reaching the river at lower end of cut-off No. 4 the line runs along a steep rock cliff, known as Wasp Rock, for 3,000 feet; thence making cut-off No. 5, to the crossing of James River. Distance by cut-off No. 5, 1 mile; by canal or river line, $2\frac{8}{10}$ miles.

From the river-crossing the line follows the right bank of the James River for $25\frac{1}{4}$ miles to a point $\frac{1}{2}$ mile below Reed Creek, and thence for a distance of 5 miles of continuous 20-feet grade, it rises along the river cliffs, and crosses a low ridge, to a point opposite Holcomb's Rock, the terminal point of the survey under my charge.

The distance from Pattonsburgh to the point opposite Holcomb's Rock is, by the railroad line, $33\frac{46}{100}$ miles, by canal 38 miles, and by river line 37 miles. From Clifton Forge to Holcomb's Rock, the total distance by railroad line—with 20 feet maximum grade going east, and one crossing of the river—is $61\frac{83}{100}$ miles; by canal, with five river-crossings, 71 miles; and by river line, with one crossing, and without ascending grades going east, 75 miles.

GRADES.

On the first division the total rise of grades going east is 130.2 feet, and the corresponding fall 337.55 feet. The maximum grade of 20 feet per mile is used for $5\frac{1}{10}$ miles, and an average of 11 feet per mile for $1\frac{3}{10}$ miles, the remaining distance of $21\frac{47}{100}$ miles being on a level or descending grades.

On the second division the total rise of grade going east is 131.83 feet, and the corresponding fall 269 feet. An average grade of 7 feet per mile is used for about $4\frac{4}{10}$ miles, and the maximum of 20 feet per mile held continuously for the last 5 miles, while for the remaining distance of $24\frac{8}{100}$ miles the grade is level or descending. From Clifton Forge to the end of the second division opposite Holcomb's Rock, the total rise and fall eastwardly are 262.03 and 606.55 respectively, and the lengths of maximum grades used are 20 feet per mile ascending for $10\frac{8}{10}$ miles, and $47\frac{1}{4}$ feet descending for $5\frac{18}{100}$ miles.

CURVATURE.

On the first division the average curvature per mile is 76 degrees, and on the second division 95 degrees. The total curvature on both divisions from Clifton Forge to opposite Holcomb's Rock is 5,336 degrees, or $86\frac{1}{4}$ degrees per mile, the total length of curved lines being 34.77 miles, and of straight lines 27.06 miles.

TUNNELS, FIRST DIVISION.

Tunnel No. 1. On cut-off No. 1 between Cow Pasture River and Lick Creek. Length, 1,315 feet.

Tunnel No. 2. On cut-off No. 2 between Men's Creek and Saltpeter Cave. Length, 1,900 feet.

Tunnel No. 3. On cut-off No. 3 between Saltpeter Cave and Pawpaw Run. Length, 770 feet.

Tunnel No. 4. Through projecting point of cliff about two and one-half miles above Jackson. Length, 165 feet.

TUNNELS, SECOND DIVISION.

Tunnel No. 5. On cut-off No. 4 between Pattonsburgh and Wasp Rock. Length, 200 feet.

Tunnel No. 6. Through projecting point one mile above Balcony Falls. Length, 190 feet.

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Tunnel No. 7. Through crest of river-bluff two-thirds of a mile above Holcomb's Rock. Length, 600 feet.

The total tunnel length on the first division is 4,150 linear feet; on the second division 990 linear feet, or on both divisions one mile approximately.

All of the tunnel-material is limestone, except that of tunnel No. 7, which is a kind of granite.

The road-bed widths used in the estimate of quantities, were for earth-excavation, 30 feet; for rock-excavation, 28 feet; and for embankment, 26 feet; and the corresponding side-slopes were mostly $\frac{1}{8}$ to 1, 1 to 1, and $\frac{1}{2}$ to 1. In many of the excavations, however, where the material would plainly be in great part rock, side-slopes of $\frac{1}{4}$ to 1 were used, and in corresponding embankment, $1\frac{1}{4}$ to 1. In large through cuts and tunnel-approaches, a certain depth of earth overlying rock was assumed, and the sectional area taken accordingly. The classification of excavation when $\frac{1}{2}$ to 1 slopes were used, was, in all cases, two-thirds rock. The tunnels were estimated as 28 feet wide, and 21 feet in length, or $18\frac{16}{100}$ cubic yards of excavation per linear foot.

Masonry was estimated as 26 feet in width for undergrade, and 34 feet for overgrade bridges.

At several points below Pattonsburgh where the line runs along cliffs close to the canal, retaining-walls are needed and are included in the estimate.

At Lick Creek, section 4, where the embankment is over 60 feet in height, a comparison of cost of earth-work and iron trestling was made, with a result so much in favor of the former that borrowed material has been estimated for in all cases of excess of embankment on both divisions.

Two exhibit-sheets accompany this report, one for each division, containing quantities, prices, and amounts for graduation, masonry, and bridging on each section; also a profile of each division, and a topographical map on a scale of two and one-half miles to the inch, showing the corresponding alignment. The field-maps, on a scale of 100 feet to the inch, showing in detail the topography and the railroad location on which the following estimate is based, will be forwarded with the remainder of the field-notes and estimate details.

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Exhibit of work to be done upon the first division of the United

Locality: Section—	GRADUATION.											MASONRY.	
	Earth.		Loose or soft rock.		Solid rock.		Other items.		Tunnel-excavation.		Total graduation to be done.	Abutments.	
	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.		Cubic yards first-class masonry.	Price.
1	1,649	$0 30	1,648	$0 50	47,258	$1 00	.....	.....	.....	.....	$48,577	774	$10 00
2	1,395	30	1,394	50	34,017	1 00	23,691	$0 40	.....	.....	44,609	.....	.....
3	6,720	30	6,720	50	10,815	1 00	169,664	40	.....	.....	84,057	1,463	10 00
4	14,175	30	14,174	50	39,996	1 00	158,376	40	24,656	$4 00	213,310	.....	.....
5	16,111	30	16,112	50	26,896	1 00	96,951	40	.....	.....	78,565	.....	.....
6	16,689	30	16,690	50	17,094	1 00	1,809	40	.....	.....	31,170	.....	.....
7	27,463	30	27,463	50	20,950	1 00	.....	40	.....	.....	42,920	.....	.....
8	6,669	30	6,669	50	26,678	1 00	.....	40	.....	.....	32,014	.....	.....
9	3,114	30	3,113	50	12,462	1 00	14,154	40	.....	.....	20,614	.....	.....
10	3,011	30	3,011	50	12,044	1 00	41,229	40	.....	.....	30,945	383	10 00
11	5,699	30	5,699	50	22,794	1 00	.....	40	.....	.....	27,353	519	10 00
12	3,301	30	3,300	50	13,206	1 00	.....	40	.....	.....	15,846	.....	.....
13	1,470	30	1,470	50	5,880	1 00	35,331	40	.....	.....	21,188	.....	.....
14	2,532	30	2,531	50	10,128	1 00	2,057	40	.....	.....	15,377	.....	.....
15	1,950	30	1,951	50	7,804	1 00	15,070	40	.....	.....	15,392	.....	.....
16	5,746	30	5,745	50	8,754	1 00	21,979	40	.....	.....	22,143	.....	.....
17	10,698	30	10,699	50	19,105	1 00	11,209	40	.....	.....	32,146	.....	.....
18	17,861	30	17,860	50	35,829	1 00	.....	40	35,625	4 00	192,617	.....	.....
19	2,133	30	2,134	50	27,479	1 00	79,553	40	.....	.....	61,007	.....	.....
20	7,917	30	7,916	50	38,648	1 00	.....	40	14,438	4 00	102,733	.....	.....
21	7,309	30	7,309	50	4,980	1 00	4,423	40	.....	.....	12,597	.....	.....
22	5,561	30	5,560	50	79,423	1 00	.....	40	3,094	4 00	96,247	.....	.....
23	6,381	30	6,382	50	24,048	1 00	13,404	40	.....	.....	34,515	.....	.....
24	7,596	30	7,596	50	35,098	1 00	.....	40	.....	.....	41,175	.....	.....
25	576	30	576	50	.....	1 00	18,751	40	.....	.....	7,961	.....	.....
26	6,517	30	6,517	50	.....	1 00	.....	40	.....	.....	5,213	.....	.....
27	6,944	30	6,945	50	.....	1 00	.....	40	.....	.....	5,556	.....	.....
28	15,248	30	15,248	50	.....	1 00	15,023	40	.....	.....	18,207	.....	.....
	212,435	.....	212,432	.....	581,386	.....	728,674	.....	77,813	.....	1,354,054	3,139	.....

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States Government Freight Railroad, State of Virginia, 1874.

MASONRY.												TOTAL AMOUNT OF SECTION.	
Piers.		Arch.		Second-class masonry.		Coping.		Square drains.		Cost of foundation and other contingencies on masonry.	Total masonry to be done.	Truss-bridging to be done.	To be done.
Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.				
						22	$16 00	141	$4 00	$800	$9,456	$12,600	$70,633
				31	$7 00	4	16 00	417	4 00		1,949		46,558
1,532	$12 00					60	16 00	270	4 00	1,500	36,554	37,800	158,411
		193	$16 00	829	7 00	5	16 00				8,971		222,281
								302	4 00		1,208		79,773
		35	16 00	173	7 00	3	16 00				1,819		32,989
								158	4 00		632		43,552
								538	4 00		2,152		34,166
								458	4 00		1,832		22,446
						6	16 00	111	4 00	300	4,670	4,400	40,015
						6				400	5,686	4,400	37,439
								170	4 00		680		16,526
				50	7 00	20	16 00	110	4 00		1,110		22,298
				439	7 00			54	4 00		216		15,593
								84	4 00		336		15,728
		85	16 00			8	16 00	231	4 00		5,485		27,628
		141	16 00	684	7 00	8	16 00	142	4 00		7,740		39,886
								150	4 00		600		193,217
		273	16 00	1,227	7 00	18	16 00	118	4 00		13,717		74,724
		59	16 00	257	7 00	3	16 00	43	4 00		2,963		105,696
		66	16 00	332	7 00	6	16 00	131	4 00		4,000		16,597
								136	4 00		544		96,791
		98	16 00	497	7 00	7	16 00				5,159		39,674
		31	16 00	159	7 00	4	16 00	43	4 00		1,845		43,020
		34	16 00	136	7 00	3	16 00				1,544		9,505
		23	16 00	105	7 00	3	16 00	78	4 00		1,463		6,676
													5,556
								256	4 00		1,024		19,231
1,532		1,038		4,919		186		4,141		3,000	123,355	59,200	1,536,609

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Exhibit of work to be done upon the second division of the United

Locality. Section—	GRADUATION.											MASONRY.	
	Earth.		Loose or soft rock.		Solid rock.		Other items.		Tunnel-excavation.		Total graduation to be done.	Abutments.	
	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.		Cubic yds. 1st-class bridge-masonry.	Price.
29	9,554	$0 30	9,554	$0 50	27,773	$1 00	3,488	$0 40	.....	.....	$36,811	2,774	$10 00
30	.....	.....	.....	.....	89,223	1 00	.....	.....	.....	.....	89,223	.....	.....
31	15,239	30	15,239	50	60,958	1 00	.....	.....	3,750	$4 00	88,149	.....	.....
32	12,395	30	12,395	50	49,580	1 00	73,524	40	.....	.....	88,906	2,484	10 00
33	3,440	30	3,440	50	6,901	1 00	1,306	40	.....	.....	10,175	.....	.....
34	2,784	30	2,784	50	.....	.....	8,943	40	.....	.....	5,804	.....	.....
35	6,566	30	6,565	50	.....	.....	.....	.....	.....	.....	5,253	.....	.....
36	7,318	30	7,317	50	29,271	1 00	.....	.....	.....	.....	35,125	.....	.....
37	11,354	30	11,353	50	45,415	1 00	.....	.....	.....	.....	54,497	.....	.....
38	5,778	30	5,778	50	3,361	1 00	.....	.....	.....	.....	7,983	.....	.....
39	6,249	30	6,250	50	.....	.....	409	40	.....	.....	5,164	.....	.....
40	9,329	30	9,329	50	6,561	1 00	.....	.....	.....	.....	14,025	.....	.....
41	6,956	30	6,955	50	8,804	1 00	10,674	40	.....	.....	18,638	.....	.....
42	8,218	30	8,219	50	732	1 00	.....	.....	.....	.....	7,306	.....	.....
43	5,817	30	5,816	50	10,979	1 00	28,501	40	.....	.....	27,032	1,102	10 00
44	10,335	30	10,335	50	1,698	1 00	.....	.....	.....	.....	9,966	.....	.....
45	7,403	30	7,403	50	11,675	1 00	.....	.....	3,563	4 00	31,850	.....	.....
46	4,810	30	4,811	50	32,647	1 00	.....	.....	.....	.....	36,496	.....	.....
47	.....	.....	.....	.....	51,283	1 00	.....	.....	.....	.....	51,283	.....	.....
48	3,872	30	3,873	50	22,358	1 00	.....	.....	.....	.....	25,456	.....	.....
49	8,000	30	8,000	50	31,561	1 00	.....	.....	.....	.....	37,961	.....	.....
50	4,028	30	4,028	50	24,489	1 00	764	40	.....	.....	28,017	.....	.....
51	3,417	30	3,418	50	34,619	1 00	.....	.....	.....	.....	37,353	.....	.....
52	8,438	30	8,437	50	33,749	1 00	.....	.....	.....	.....	40,498	.....	.....
53	8,506	30	8,506	50	34,024	1 00	.....	.....	.....	.....	40,829	.....	.....
54	5,931	30	5,931	50	23,725	1 00	.....	.....	.....	.....	28,469	.....	.....
55	7,588	30	7,587	50	30,349	1 00	.....	.....	.....	.....	36,419	.....	.....
56	9,547	30	9,547	50	38,188	1 00	.....	.....	.....	.....	45,826	.....	.....
57	2,512	30	2,511	50	10,043	1 00	.....	.....	.....	.....	12,053	.....	.....
58	4,734	30	4,733	50	18,934	1 00	.....	.....	.....	.....	22,721	.....	.....
59	977	30	976	50	80,302	1 00	.....	.....	.....	.....	81,083	.....	.....
60	4,807	30	4,806	50	19,224	1 00	139,728	40	.....	.....	78,960	.....	.....
61	8,693	30	8,692	50	34,771	1 00	131,755	40	.....	.....	94,427	.....	.....
62	15,092	30	15,092	50	60,647	1 00	.....	.....	11,250	4 00	117,721	.....	.....
	229,687	.....	229,680	.....	933,844	.....	399,092	.....	18,563	.....	1,351,479	6,360	.....

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States Government Freight Railroad, State of Virginia, 1874.

MASONRY.														TOTAL AMOUNT OF SECTION.	
Piers.		Arch.		Bridge-masonry.		Coping.		Square drains.		Vertical wall.		Cost of foundation and other contingencies on masonry.	Total masonry to be done.	Truss-bridging to be done.	To be done.
Cubic yards.	Price.	Cubic yards.	Price.	Cubic yds. 2d-class.	Price.	Cubic yards.	Price.	Cubic yards.	Price.	Cubic yards.	Price.				
.....	....	.....	....	.....	....	39	$16	88	$4	.....	....	$1,200	$29,916	$4,400	$71,127
.....	....	.....	....	.....	....	.....	....	412	4	3,693	$3	.....	12,727	.....	101,950
.....	....	60	$16	254	$7	7	16	80	4	.....	....	.....	3,170	.....	91,319
2,190	$12	.....	....	.....	....	50	16	.....	....	.....	....	3,000	54,920	72,800	216,626
.....	....	.....	....	.....	....	.....	....	.....	....	.....	....	.....	.....	.....	10,175
.....	....	20	16	100	7	4	16	.....	....	.....	....	.....	1,084	.....	6,888
.....	....	.....	....	.....	....	.....	....	.....	....	.....	....	.....	.....	.....	5,253
.....	....	.....	....	.....	....	.....	....	113	4	.....	....	.....	452	.....	35,577
.....	....	.....	....	.....	....	.....	....	111	4	.....	....	.....	444	.....	54,941
.....	....	.....	....	59	7	4	16	.....	....	.....	....	.....	477	.....	8,460
.....	....	.....	....	.....	....	.....	....	61	4	.....	....	.....	244	.....	5,408
.....	....	.....	....	.....	....	.....	....	154	4	.....	....	.....	616	.....	14,641
.....	....	28	16	222	7	5	16	41	4	.....	....	.....	2,246	.....	20,884
.....	....	.....	....	34	7	4	16	.....	....	.....	....	.....	302	.....	7,608
.....	....	.....	....	.....	....	22	16	.....	....	.....	....	1,000	12,372	4,400	43,804
.....	....	24	16	106	7	3	16	93	4	.....	....	.....	1,546	.....	11,512
.....	....	.....	....	.....	....	.....	....	54	4	.....	....	.....	216	.....	32,066
.....	....	.....	....	.....	....	.....	....	91	4	.....	....	.....	364	.....	36,860
.....	....	.....	....	89	7	4	16	.....	....	.....	....	.....	687	.....	51,970
.....	....	.....	....	10	7	4	16	.....	....	.....	....	.....	134	.....	25,590
.....	....	.....	....	.....	....	.....	....	.....	....	.....	....	.....	.....	.....	37,961
.....	....	26	16	208	7	8	16	87	4	.....	....	.....	2,348	.....	30,365
.....	....	.....	....	.....	....	.....	....	.....	....	661	3	.....	1,983	.....	39,336
.....	....	51	16	390	7	13	16	107	4	4,391	3	.....	17,355	.....	57,853
.....	....	.....	....	51	7	4	16	62	4	2,614	3	.....	8,511	.....	49,340
.....	....	76	16	445	7	7	16	188	4	.....	....	.....	5,195	.....	33,664
.....	....	.....	....	.....	....	.....	....	265	4	.....	....	.....	1,060	.....	37,479
.....	....	.....	....	.....	....	.....	....	175	4	.....	....	.....	700	.....	46,526
.....	....	72	16	456	7	12	16	62	4	.....	....	.....	4,784	.....	16,837
.....	....	66	16	391	7	10	16	237	4	.....	....	.....	4,901	.....	27,622
.....	....	69	16	297	7	3	16	228	4	2,588	3	.....	11,907	.....	92,990
.....	....	98	16	301	7	3	16	741	4	.....	....	.....	6,687	.....	85,647
.....	....	199	16	596	7	6	16	.....	....	2,543	3	.....	15,081	.....	109,508
.....	....	83	16	295	7	3	16	462	4	.....	....	.....	5,289	.....	123,010
2,190	....	872	....	4,304	....	215	....	3,912	....	16,490	....	5,200	207,718	81,600	1,640,797

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APPROXIMATE ESTIMATE OF COST OF CONSTRUCTION FIRST DIVISION, FROM CLIFTON FORGE TO PATTONSBURGH.

Graduation, masonry, and bridging of 28.37 miles, at $54,163.17 per mile	$1,536,609
Track, 28.37 miles, at $33,500 per mile	950,395
Land-damages and damages to buildings, 28.37 miles, at $400 per mile	11,348
Engineering, 28.37 miles, at $1,000 per mile	28,370
Total, 28.37 miles, at $89,063.17 per mile	2,526,722

APPROXIMATE ESTIMATE OF COST OF CONSTRUCTION SECOND DIVISION, FROM PATTONSBURGH TO A POINT OPPOSITE HOLCOMB'S ROCK.

Graduation, masonry, and bridging of 33.46 miles, at $49,037.56 per mile	$1,640,797
Track, 33.46 miles, at $33,500 per mile	1,112,910
Land-damages and damages to buildings. 33.46 miles, at $500 per mile	16,730
Engineering, 33.46 miles, at $1,000 per mile	33,460
Total, 33.46 miles, at $83,798.48	2,803,897

APPROXIMATE ESTIMATE OF COST.

Recapitulation.

First division, 28.37 miles, at $89,063.17 per mile	$2,526,722
Second division, 33.46 miles, at $83,798.48 per mile	2,803,897
Total cost of construction, 61.83 miles, at $86,214.12 per mile	5,330,619

The location and grades in which the above estimate is made may be adjusted so as to lessen somewhat the quantities of earthwork and masonry obtained; but, as at the more difficult points the location adopted is the result of several trial-lines, probably it cannot be greatly bettered, as to cost, by any change in the alignment; neither would the adoption of a 30-foot instead of a 20-foot maximum grade, going east, be of any very considerable advantage in lessening the aggregate cost, as it would only affect materially that of three or four sections.

As now estimated the line crosses the Valley Railroad at grade, but it can be changed to a crossing above grade without sensibly affecting the estimate given.

There is one curve of 955 feet radius, beginning a few hundred feet below the crossing of James River, but a more elaborate examination of the ground in that vicinity might secure a better alignment at no greater cost.

Very respectfully, your obedient servant,

CONWAY R. HOWARD.

H. D. WHITCOMB, Esq., *Civil Engineer.*

2.—FROM HOLCOMB'S ROCK TO RICHMOND.

Report of Mr. R. W. Temple, assistant engineer.

UNITED STATES ENGINEER'S OFFICE,
Richmond, Va., December 15, 1874.

SIR: Having been charged by you with the duty of making a survey and estimate of cost of double-track railway from Holcomb's Rock to Richmond, the following report is respectfully submitted:

Field-work was commenced on the 1st of August and completed on the 15th of November, 1874, during which time one hundred and eighty miles of line were surveyed.

The distance from Holcomb's Rock to Richmond, by the line as located, is one hundred and thirty-two and a half miles; passing through the counties of Bedford, Campbell, Appomattox, Buckingham, Cumberland, Powhatan, Chesterfield, Goochland, and Henrico.

The route selected may be described as follows: Commencieg at a point on the south bank of James River, near Holcomb's Rock, the line at once leaves the river, and passing eastwardly through a gap in Fleming's Mountain, gains the elevated and broken plateau which lies between the foot-hills of the mountain and the river.

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Following the plateau, it crosses Judith's Creek and the Blackwater, passes through the suburbs of Lynchburgh farthest from the river, and, striking directly across the drainage of Fishing, Opossum, and Beaver Creeks, reaches Concord, situated upon the ridge which divides the waters of the James and Staunton Rivers.

From Concord the line runs parallel with, and 100 feet distant at right-angles from, the Atlantic, Mississippi and Ohio Railroad, to a point three miles west of Appomattox Court-House, where it crosses said railroad and follows the dividing-ridge between the waters of the James and Appomattox Rivers, passing three miles north of Appomattox Court-House.

Holding this ridge, it runs south of Willis Mountain and Buckingham Court-House, and near the county-seats of Cumberland and Powhatan, to the head of Manakin Creek, two miles west of Tomahawk station, on the Richmond and Danville Railroad; thence down Manakin Creek to its confluence with James River, which it crosses at this point thirteen miles above Richmond by canal; thence up Tuckahoe Creek, passing north of Richmond, and crossing the Richmond, Fredericksburgh and Potomac Railway three miles north of the city; thence descending the valleys of Bacon-Quarter Branch and Shockoe Creek, to Broad-street depot of the Chesapeake and Ohio Railway.

The Atlantic, Mississippi and Ohio is crossed twice; the Washington City, Virginia, Midland and Great Southern is crossed once, with over-grade crossings, while it is proposed to pass under the Richmond, Fredericksburgh and Potomac road.

No grade is used exceeding 30 feet per mile going east or west, except for a distance of three miles descending eastward into Richmond, where 45 feet per mile was found necessary.

The minimum radius used is 1,000 feet, and this in one or two cases only, it being rarely necessary to use a radius of less than 1,910 feet.

The material from Holcomb's Rock to Concord consists chiefly of mica-schist, easily worked, but will not stand in excavation at a slope of less than one-half to one. Granite of superior quality for masonry can be had on this part of the line.

From Concord to Richmond the excavation will be mostly in earth, and the line being located for the greater part of the distance upon the ridge, very little masonry is required, except at the crossing of James River, where good granite may also be had, with water transportation to the bridge-site.

Tables of curvature and grades, also distances between prominent points upon survey, as well as distances between same points by existing routes, are given.

Your attention is called to the fact that five miles in distance is gained over the line, as surveyed, by keeping the south side of James River to Richmond.

The following estimates do not include cost of fencing, wharves, depot and office-buildings, engine-houses, machine-shops and machinery, rolling-stock, or the salaries of any other than engineer-officers during the period of construction, which is assumed at twenty months. The cost of equipment, including items enumerated, I estimate at $25,000 per mile.

A profile and general map (scale 2½ miles to the inch) of line from Holcomb's Rock to Richmond accompanies this report. Thirty miles of the section-maps (scale 400 feet to one inch) are completed.

Having in my possession data upon which to base an accurate estimate of cost of double-track railway from Richmond to Yorktown and Newport News, it is also submitted.

R. H. SEMPLE.

H. D. WHITCOMB, Esq., *Civil Engineer.*

ESTIMATED COST OF THIRD DIVISION, FROM HOLCOMB'S ROCK TO CONCORD.

Graduation, masonry, and bridging, 23.07 miles, at $95,340 per mile	$2,199,493 80
Land-damages, 23.07 miles, at $500 per mile	11,535 00
Track, 23.07 miles, at $33,500 per mile	772,845 00
Engineering, 23.07 miles, at $1,000 per mile	23,070 00
Total cost of third division	3,006,943 80
Average cost per mile	$130,340 00

ESTIMATED COST OF FOURTH DIVISION, FROM CONCORD TO A POINT THREE MILES EAST OF CUMBERLAND COURT-HOUSE.

Graduation, masonry, and bridging, 54.49 miles, at $18,000 per mile	$980,820
Land-damages, 54.49 miles, at $500 per mile	27,245
Track, 54.49 miles, at $33,500 per mile	1,825,415
Engineering, 54.49 miles, at $1,000 per mile	54,490
Total cost of fourth division	2,887,970
Average cost per mile	$53,000

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ESTIMATED COST OF FIFTH DIVISION, FROM A POINT THREE MILES EAST OF CUMBERLAND COURT-HOUSE TO RICHMOND.

Graduation, masonry, and bridging, 53.9 miles, at $19,800 per mile	$1,067,220
Land-damages, 53.9 miles, at $500 per mile	26,950
Track, 53.9 miles, at $33,500 per mile	1,805,650
Engineering, 53.9 miles, at $1,000 per mile	53,900
Total cost of fifth division	2,953,720
Average cost per mile	$54,800

SUMMARY OF COST OF DOUBLE-TRACK RAILWAY FROM HOLCOMB'S ROCK TO RICHMOND

Third division, 23.07 miles	$3,006,943
Fourth division, 54.49 miles	2,887,970
Fifth division, 53.90 miles	2,953,720
Total cost	8,848,633
Average cost per mile	$67,310

ALIGNMENT.

Holcomb's Rock to Richmond.

Division.	Length in miles.	Total curvature.	Curvature per mile.	No. of circles turned.
		° ′	° ′	
No. 3	23.07	1,991 28	86 19.4	5.53
No. 4	54.49	2,910 29	53 24.6	8.09
No. 5	53.90	2,688 03	49 52.2	7.47
Total	*131.46	7,590 10	57 44.4	21.09

* This is the distance from Holcomb's Rock to a point on the Chesapeake and Ohio Railroad one mile west of Broad-street depot.

SUMMARY OF GRADES.

Going eastward.

Ascending.		Descending.		Level.
Rate per mile, in feet and decimals.	Length of plane, in feet.	Rate per mile, in feet and decimals.	Length of plane, in feet.	Length of plane, in feet.
30.096	113,712	44.880	15,100	99,777
26.400	11,900	36.960	7,400	.....
23.760	4,400	30.096	199,040	.....
22.176	6,030	27.456	10,700	.....
21.120	5,800	26.400	5,400	.....
19.536	7,300	21.120	7,000	.....
15.840	16,700	19.536	10,571	.....
12,672	5,000	17.424	3,000	.....
11.616	9,300	13.200	26,200	.....
8.448	7,800	11.088	7,000	.....
7.920	4,300	10.560	6,000	.....
7.392	10,000	9.504	4,570	.....
6.336	31,600	8.448	7,000	.....
2.640	24,000	6.336	7,000	.....
.....	.....	3.168	8,500	.....
.....	.....	1.584	12,000	.....
Totals	257,842	.....	336,481	99,777
Total feet	.....	.....	.....	694,100
Total miles	.....	.....	.....	131.46

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	Miles.
Distance from Holcomb's Rock to Lynchburgh	9.5
Distance from Lynchburgh to Concord	13.2
Distance from Concord to Richmond by route surveyed	109.4
Distance from Lynchburgh to Richmond by route surveyed	123.0
Distance from Lynchburgh to Richmond, keeping on south side of James River and following location of Danville Railroad from Tomahawk station to Richmond	117.7
Distance from Richmond to Lynchburgh by Atlantic, Mississippi and Ohio Railroad and Richmond and Danville Railroad	124.0
Distance from Richmond to Lynchburgh by canal	147.5

ESTIMATED COST OF DOUBLE-TRACK RAILROAD FROM JAMES RIVER STATION, CHESAPEAKE AND OHIO RAILROAD, TO YORKTOWN, VA.

Graduation, masonry, bridging, land-damages, engineering expenses, and all other work necessary to prepare road-bed for track, 58.33 miles, at $12,000 per mile	$699,960
Track, 58.33 miles, at $33,500 per mile	1,954,055
Total cost	2,654,015
Average cost per mile	$45,500

ESTIMATED COST OF DOUBLE-TRACK RAILROAD FROM YORKTOWN TO NEWPORT NEWS.

Graduation, masonry, bridging, land-damages, engineering expenses, and all other work necessary to prepare road-bed for track, 20 miles, at $12,000 per mile	$240,000
Track, 20 miles, at $33,500 per mile	670,000
Total cost	910,000
Average cost per mile	$45,500
Total cost from James River station, Chesapeake and Ohio Railroad, to Newport News	3,564,015

SUMMARY OF COST OF DOUBLE-TRACK RAILWAY FROM HOLCOMB'S ROCK TO NEWPORT NEWS.

From Holcomb's Rock to Richmond	$8,848,633
From Broad Street depot to James River station	1,000,000
From James River station (railroad) to Yorktown	2,654,015
From Yorktown to Newport News	910,000
Total cost from Holcomb's Rock to Newport News	13,412,648
Average per mile, (213 miles)	$62,970

FREIGHT-RAILWAY FROM NAVIGABLE WATER OF OHIO AND KANAWHA RIVERS, THROUGH VIRGINIA AND WEST VIRGINIA, TO TIDE-WATERS OF THE POTOMAC RIVER; REPORT OF MR. CHARLES P. MANNING, ASSISTANT ENGINEER.

BALTIMORE, *December* 31, 1874.

SIR: In obedience to the instructions of your letter of July 18th, of the current year, I at once proceeded to an investigation of the question regarding the availability of the belt of country lying between the Baltimore and Ohio, and Chesapeake and Ohio Railroads for the construction of an intermediate "freight-railway" from the navigable waters of the Ohio and Kanawha Rivers through the territories of West and Old Virginia to the tide-waters of the Potomac River; and now have the honor to present the following condensed report of the results of this investigation.

Your letter informed me of the fact that the field of investigation was large, and the limit of both time and pecuniary means for accomplishing all the objects in view comparatively small, consequently my field-operations have been restricted to a simple

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personal reconnaissance of the district of country mentioned with the aid of two professional assistants and the use of the aneroid barometer.

Your instructions called for special examination of the projected railways of the Washington and Ohio, and Potomac and Ohio Railroad Companies; therefore, my first step was directed to the procurement of all information in relation to the subject of inquiry that was in possession of, and would be given to me by, the officers of these companies.

My applications to the presidents of these corporations, Messrs. McKenzie and Bangs, met with prompt and kindly attention, and I at once ascertained that the estimates of cost, and all other reported matter in relation to the extension of the Washington and Ohio Railroad, were based upon actual surveys, whilst those of the projection and construction of the Potomac and Ohio Railroad, were mainly founded upon a general and not special professional knowledge of the natural features of the country to be dealt with.

Such being the result of my primary examinations, I concluded to avail myself of the recorded facts of the surveys of the Washington and Ohio Railroad Company, and expend my limited pecuniary means upon a thorough reconnaissance of the route indicated for the Potomac and Ohio Railroad.

This reconnaissance was made during the months of August and September last, and proved so satisfactory that I confidently offer the accompanying approximate estimates of the length and cost of constructing the Potomac and Ohio Railroad, in comparison with those of the Washington and Ohio Railroad, which have been obtained from more exact and reliable information.

Referring to the report of the Potomac and Ohio Railroad Company, addressed to the United States Senate committee, dated the 28th of January, 1874, it will be seen that the chosen point for a passage of the Blue Ridge Mountains was at Swift Run Gap, on the line separating the counties of Greene and Rockingham.

At the request, however, of their president, Mr. Bangs, my reconnaissance was made by the way of Thornton Gap, in that range of mountains.

Commencing upon the Potomac River near the mouth of Quantico Creek, at a point recently known as Potomac, in Prince William County, the reconnoitered line passes through the southern part of that county and through portions of Stafford, Fauquier, Culpeper, and Rappahannock Counties, to the summit of the Blue Ridge; thence into the valley of the Shenandoah River, through the counties of Page, Rockingham, and Augusta, to the base of Shenandoah Mountain—the front ridge of the great Alleghany range.

Ascending the valley of North River to the summit of Shenandoah Mountain, the line passes through the southern part of Pendleton, and thence through the middle of Highland and Pocahontas Counties to the headwaters of the Gauley and Elk Rivers, upon the western slope of the Greenbrier or Cheat Mountain—better known in this locality as Elk Mountain—whence it descends the valley of Elk River through the counties of Webster and Braxton, to the border of Clay County, near the confluence of Birch and Elk Rivers.

From the last-named point the direct line to the Ohio River leaves the valley of Elk River and crosses the dividing-ridge to the headwaters of the Little Kanawha River, and, following the valley of the latter, falls into the surveyed line of the Washington and Ohio Railroad at the mouth of Tripolet's Run, in Calhoun County, whence the two roads have a common route through the counties of Roane, Wirt, Jackson, and Mason to Point Pleasant, on the Ohio River.

From this direct line I have projected branches to intersect the Chesapeake and Ohio Railroad at both Gauley Bridge and Charleston, with the view to a connection with the navigation of the Ohio River at Huntington by way of the last-named road.

Also, in order to cover the probable field of inquiry, I have projected a cross-line or branch from Buckhannon, on the Washington and Ohio Railroad, to the valley of Elk River, where the branch to Charleston diverges from the main line of the Potomac and Ohio Railroad near the confluence of the Elk and Birch Rivers, thus forming a continuous line from Alexandria to Charleston by way of the Washington and Ohio Railroad.

No doubt a practicable line might be traced for the Potomac and Ohio Railroad from the confluence of Elk and Birch to the Ohio River more nearly approaching the direct course indicated in the report of Mr. Bangs; but it is very doubtful if the saving in measured distance by this route would compensate for the certain increase in cost of construction and probable increase of roadway and working expenses due to the character of such a line.

From the confluence of Elk and Birch eastward, up the valley of the former, to the summit of Elk Mountain, I have assumed for the Potomac and Ohio Railroad ten miles less of distance to traverse than has been heretofore reported by competent engineers to be their computation from the results of personal reconniassance and local information.

From the summit of Elk Mountain to the Potomac River nothing has been added to the known traveled distances from point to point of the reconnoitered route, except

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where a gain of distance is absolutely requisite to a development of the line laterally, upon the slopes of the mountain-ranges, in order to keep within the limits of practicable construction, without exceeding those prescribed for grades and curves.

In regard to my assumptions of lengths for the branches from the Potomac and Ohio Railroad to Gauley Bridge and Charleston, respectively, and from the Washington and Ohio Railroad to Charleston, each line has the benefit of the lowest reasonable estimate of increase upon its known air-line length; which estimate, in neither case, exceeds thirty-three per cent. of the latter.

Having been for some years past personally acquainted with the general physical features of the belt of country under discussion, and especially familiar with those of the region traversed by the Washington and Ohio Railroad from Alexandria to the valley of the South Branch River, I have not deemed it necessary to examine and criticise in detail the line surveyed for the extension of that road to the Ohio River; but, accepting as facts the data obtained from the surveys, have confined my criticisms to a revision of the estimates of cost obtained therefrom, and upon the results of this review have framed new estimates.

In disposing of the question of general availability for the construction of a great freight-railway between the Ohio and Potomac Rivers, I answer—

First. That the belt of country referred to is certainly available by both routes here pointed out.

Second. That through the great Alleghany Mountains there is no available route intermediate these two.

Third. That, of the two designated routes, the one chosen for the Washington and Ohio Railroad is preferable in almost every particular of comparison. And, finally, that so far as the natural resources of the country bear upon the question of its availability for general railway purposes, the greater portion of this entire belt abounds in the very best of building-materials, fuel, and minerals of almost every kind.

So much has been already published regarding the peculiar features, productions, and resources of Virginia and West Virginia, with which you are especially familiar, that I refrain from encumbering this report with any unnecessary matter of detail.

My estimates of cost contemplate the making of a road-bed 28 feet wide at sub-grade in the open cuts, and 26 feet in the tunnels and upon embankments, with two main tracks, and additional side-tracks to the extent of one-fifth of the whole length of the road.

All the tracks to be made of steel rails weighing 70 pounds per yard, and the best of other necessary materials, well laid in full ballast.

All the bridges to be built of either stone or iron; and all the tunnels lined with either stone or brick.

The surveys for the extension of the Washington and Ohio Railroad having been guided, in a great measure, by the system of grades originally adopted for its construction to the coal-fields of Hampshire County only, it was necessary for me, in availing myself of the results of these surveys, to apply the same system of grades to the reconnoitered line of the Potomac and Ohio Railroad, in order that the comparison of length and cost by each of the two routes might be made upon a common basis.

The system referred to is simply the constant application of the maximum grades of 52.8 feet per mile ascending eastward, and 79.2 feet per mile ascending westward, wherever their use will tend toward the reduction of either the length or cost of road, or both together. And I think its application in the cases before us is as fair a test of the general availability of the country for the construction of either of the two roads, as it is a test of their comparative merits.

In adopting this system for the present occasion I do not assume that the limits of 52.8 feet and 79.2 feet per mile are necessary to a proper development of this intermediate railway scheme, but am of the opinion that they very rarely approach the true medium of gradients for the character of country to be dealt with and traffic to be accommodated.

In further explanation of the subjoined estimates it is proper for me to remark that they are based upon an assumed traffic of not less than three millions to four millions of tons annually—that is to say, two millions of tons eastward, and one million of tons westward of through freight, together with possibly one million of tons, or the equivalent thereof, of mixed local business distributed along the road between its terminal extremities.

To maintain the road-bed and tracks in perpetuity under such a traffic I estimate that the annual cost would not be less than $5,000 per mile of double-track road and sidings for the first two or three years of its use; and, with the best of management, fully $3,000 per mile thereafter.

To equip the road with depots, machine-shops, rolling-stock, &c., necessary to accommodate the assumed amount of traffic, I estimate that no less a sum of money should be provided than $17,000,000, since the rolling-stock alone would probably cost fully $15,000,000.

Referring you to the published report of the Potomac and Ohio Railroad Company,

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I would call attention to its erroneous assumption regarding the extreme elevations to be overcome, and the percentage of increase in length of constructed road over the air-line distance between terminal extremities, in comparison with the results of my reconnoissance.

And I may properly ask attention, also, to its assumption that a railway of the character and extent of the one proposed can be economically worked under a system of tolls similar to that of canal improvements.

My own opinion regarding the latter question is adverse to this assumption, and decidedly in favor of a consolidated system of toll and transportation as the only practicable as well as economical method of operation.

For convenient reference, I have condensed the details of my estimates of length, cost, &c., of these two projected railways in tabular form, together with estimates of the probable length and cost of projected branches, as follows:

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POTOMAC AND OHIO RAILROAD.

Estimates of the length and cost of construction.

Section.	Distances.		Graduation, masonry, and small bridges.	Tunnels.		Large bridges.		Main and side tracks.	Total cost.	Average cost per mile.	Aggregate cost.
	Local.	Total.	Cost.	Length.	Cost.	Length.	Cost.	Cost.			
Commencing at Quantico—	*Miles.*	*Miles.*		*Feet.*		*Feet.*					
To eastern foot of Blue Ridge	56	56	$1,008,000	.....	.....	850	$150,000	$1,840,000	$2,998,000	$53,500	$2,998,000
To western foot of Blue Ridge	38	94	1,460,000	10,000	$1,500,000	150	30,000	1,254,000	4,244,000	111,900	7,242,000
To North River Gap	42	136	756,000	.....	.....	600	120,000	1,386,000	2,262,000	53,800	9,504,000
To Greenbrier River	101	237	4,236,000	10,000	1,500,000	150	30,000	3,333,000	9,099,000	90,100	18,603,000
To confluence of Elk River and Birch Run	70	307	3,612,000	15,000	2,250,000	850	150,000	2,310,000	8,322,000	118,900	26,925,000
To Mount Pleasant	85	392	1,412,000	11,000	1,650,000	700	120,000	2,805,000	5,987,000	70,400	32,912,000
Total	392	392	12,484,000	46,000	6,900,000	3,300	600,000	12,928,000	32,912,000	84,000	32,912,000

WASHINGTON AND OHIO RAILROAD.

Estimates of length and cost of construction.

Sections.	Distances.		Graduation, masonry, and small bridges.	Tunnels.		Large bridges.		Main and side tracks.	Total cost.	Average cost per mile.	Aggregate cost.
	Local.	Total.	Cost.	Length.	Cost.	Length.	Cost.	Cost.			
Commencing at Alexandria—	*Miles.*	*Miles.*		*Feet.*		*Feet.*					
To east foot of Blue Ridge	53	53	$1,060,000	.....	.....	750	$150,000	$1,749,000	$2,959,000	$56,000	$2,959,000
To Shenandoah River, west foot Blue Ridge	11	64	516,000	4,600	$690,000	.....	.....	363,000	1,569,000	142,600	4,528,000
To eastern foot South Branch Mountain	48	112	966,000	.....	.....	750	150,000	1,584,000	2,700,000	56,250	7,228,000
To Buchanan	126	238	5,459,000	24,000	3,600,000	2,400	480,000	4,158,000	13,697,000	108,700	20,925,000
To Point Pleasant	122	360	1,950,000	11,900	1,785,000	1,800	360,000	4,026,000	8,121,000	66,500	29,046,000
Total	360	360	9,951,000	40,500	6,075,000	5,700	1,140,000	11,880,000	29,046,000	80,700	29,046,000

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A table of distances between certain localities upon the Ohio and Great Kanawha Rivers, and other localities upon the Potomac River, by air-lines and projected and existing railway-lines through West and Old Virginia.

	Between Huntington and Alexandria.	Between Huntington and Quantico.	Between Huntington and Mathias Point.	Between Charleston and Alexandria.	Between Charleston and Quantico.	Between Charleston and Mathias Point.	Between Point Pleasant and Alexandria.	Between Point Pleasant and Quantico.
	Miles.	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*
Air-line	290	276	292	247	233	249	275	261
Railway	412	414	416	360	362	364	360	392
Differences	122	138	124	113	129	115	85	131
Increase	42-100	50-100	43-100	46-100	55-100	46-100	31-100	50-100
Projected railway	52	324	27	52	324	27	.....	392
Surveyed railway	258	.....	.....	258	.....	.....	310	.....
Partly-constructed railway	.....	.....	45	.....	.....	45	.....	.....
Existing railway	102	90	344	50	38	292	50	.....
Summary	412	414	416	360	362	364	360	392

NOTE.—By Chesapeake and Ohio and Orange and Alexandria Railroads, 381 miles, or 54-100 increase upon air-line between Charleston and Alexandria.

Grades.

Washington and Ohio Railroad—ascending grades.			Potomac and Ohio Railroad—ascending grades.		
Westward.	Miles.	Rise in feet.	Westward.	Miles.	Rise in feet.
From Alexandria to Point Pleasant	144.5	7,400	From Quantico to Point Pleasant	181	7,800

Washington and Ohio Railroad—ascending grades.			Potomac and Ohio Railroad—ascending grades.		
Eastward.	Miles.	Rise in feet.	Eastward.	Miles.	Rise in feet.
From Point Pleasant to Alexandria	182	6,900	From Point Pleasant to Quantico	187.5	7,300

NOTE.—If the total ascents of each of these two lines of road were accumulated in two inclined planes representing the extreme limits of grade assumed, viz, 52.8 feet per mile ascending eastward and 79.2 feet per mile ascending westward, to a common average apex of 7,000 feet for one and 7,500 for the other, the combined planes would consume in one case 222 miles, and in the other 237 miles, or fully six-tenths of the entire length of each road.

To the foregoing tabular statements I have to add the following estimates of the probable cost of the projected branches of the Potomac and Ohio Railroad:

From Greenbrier River to Gauley Bridge $8,700,000 00
From confluence of Elk River and Birch River to Charleston, of the Washington and Ohio Railroad 3,640,000 00
From Buckhannon to Charleston 7,280,000 00

To further condense all these statements of length and cost, they may be briefly summed up as follows:

From Point Pleasant, on the Ohio River—
To Quantico via Potomac and Ohio Railroad, 392 miles $32,912,000 00
To Alexandria via Washington and Ohio Railroad, 360 miles 29,046,000 00

Difference, 32 miles 3,866,000 00

From Charleston, on the Kanawha River—
To Quantico via Potomac and Ohio Railroad, 377 miles $30,775,000 00
To Alexandria via Washington and Ohio Railroad, 360 miles 28,205,000 00

Difference, 17 miles 2,570,000 00

From Gauley Bridge, on Kanawa River—
To Quantico via Potomac and Ohio Railroad, 324 miles $27,303,000 00

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In conclusion I have only to remark that in studying this question I have been alone guided by professional views; also that I am indebted to the reports of Mr. Blythe, chief engineer of the Washington and Ohio Railroad, and Mr. Campbell, chief engineer of the Charleston and State Line Railroad, for much valuable information, and to the personal services of Mr. Addison Marbury, civil engineer, (who, as principal assistant of Mr. Blythe, made the surveys for the extension of the Washington and Ohio Railroad to the Ohio River, in 1870,) for still more important assistance in everything pertaining to the subject of investigation.

With great respect, I am, sir, your obedient servant,

CHAS. P. MANNING,
Civil Engineer.

Col. Wm. P. Craighill,
Engineer Corps, United States Army.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In obedience to law, a copy of the report of Col. J. H. Simpson, Corps of Engineers, upon part of the third subdivision of the Mississippi route.

JANUARY 29, 1875.—Referred to the Select Committee on Transportation Routes to the Seaboard and ordered to be printed.

WAR DEPARTMENT, *January* 28, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in compliance with the requirements of the river and harbor act of June 23, 1874, copy of report of Col. J. H. Simpson, Corps of Engineers, upon part of the third subdivision of the Mississippi route, as designated by the Senate Select Committee on Transportation-Routes to the Seaboard.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 27, 1875.

SIR: In further compliance with provisions of the river and harbor act of June 23, 1874, for surveys and estimates for the improvements recommended by the Senate Committee on Transportation-Routes to the Seaboard, I beg leave herewith to transmit a copy of the report of Col. James H. Simpson, Corps of Engineers, submitting a project, with estimates of cost, for the improvement of the navigation of the Mississippi River, between the mouth of Illinois River and the mouth of the Ohio, which embraces a part of the committee's third subdivision of the Mississippi route, and is designed to secure a 6-foot navigation from the Illinois to Saint Louis, and an 8-foot navigation from Saint Louis to the Ohio, at the lowest stages of water.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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PART OF THIRD SUBDIVISION OF MISSISSIPPI TRANSPORTATION-ROUTE.

ENGINEER OFFICE, UNITED STATES ARMY,
Saint Louis, Mo., January 20, 1875.

GENERAL: In accordance with your letters of June 29 and July 22, 1874, requiring me to survey that portion of the Mississippi River lying between the mouth of the Illinois River and the mouth of the Ohio River, under the act of Congress approved June 23, 1874, containing an appropriation for surveys and estimates for the improvements recommended by the Senate Committee on Transportation-Routes to the Seaboard, &c., and to submit for approval a project for the improvement of the river between the points mentioned, I have the honor to present the maps herewith, and the following

REPORT.

The Mississippi River, between the Illinois and Ohio, is divided by natural characteristics into three sections.

The first, extending from the Illinois to the Missouri, a distance of twenty-four and a half miles, is distinguished from the other sections by comparatively clear water, discolored by earthy and vegetable matter, but not sufficiently charged to afford a sediment when the river is below the mean stage, so long as the water is in motion; becoming turbid as the river rises, sand, clays, and fine gravel are borne along in considerable quantities; the alluvial banks are eroded, and this portion of the river becomes assimilated to the section below the Missouri when that section is below the mean and approaching the low stage.

The average slope of this section at low water is 0.440 foot per mile, and the current strong. The slope and current depend very much on the relative stages of the Upper Mississippi and the Missouri Rivers, increasing or diminishing as the relative volume of the Mississippi increases or diminishes.

From the mouth of the Illinois to Alton, a distance sixteen and a half miles, the eastern shore of the river is a rock bluff rising to a height of from 75 to 150 feet, except where broken by ravines and the narrow valleys of unimportant creeks. On the west the bank is continuously alluvial, and the bottom-lands are common to the Mississippi and Missouri Rivers, here separated by a neck of land from 2 to 4 miles in width.

The second section extends from the mouth of the Missouri to Commerce, a distance of one hundred and sixty-two miles. This section derives its distinguishing features from the Missouri; turbid waters, shifting bars and channels, rapid erosion of alluvial banks, and extensive accretions, building up and removing islands, tow-heads, and battures, with great rapidity.

Seen at the higher stages, the crumbling banks falling in masses, the spoil of the forests covering the surface, and the boiling, swirling current, show the power to be encountered; and seen at low water, the wide wastes of sand-bars, bristling with snags, and drifts of every size and shape, with here and there the dismembered skeletons of man's work, memorials of disaster, as forcibly suggest that to undertake the control of the forces here developed is no light task.

From the mouth of the Missouri to Saint Louis, a distance of fifteen miles, the river does not touch the bluff on either side. A prolongation of the rock-formation of the west side is exposed at the chain of rocks, where a ledge extends about one-third of the distance across the river-bed. The rock probably underlies the alluvium on the Missouri side, at

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no great depth, for a considerable distance below the chain. With these exceptions—and the latter is not positively proven—there is nothing to check erosion on either side of the river from the mouth of the Missouri to Saint Louis.

Below Saint Louis the river follows the Missouri bluff closely for fifty-five miles, the only exception being at Rush Lower Bend, where a former island has become connected with the Missouri shore Above Saint Genevieve the river leaves the bluff, returning to it near Saint Mary's. Below Saint Mary's it trends to the eastward, meeting the Illinois bluff at the mouth of the Kaskaskia, and follows this bluff to Liberty, whence it again is turned toward Missouri, reaching the bluffs at Big Eddy, and follows close at their foot to Cape Cinq Homme.

Here the valley is at its narrowest, and rock appears in both sides. The main Illinois bluff recedes from the river near Liverpool, and the river continues along the Missouri bluff. A few miles below, the isolated bluffs near Grand Tower are found, on the Illinois side. Low grounds to the eastward of these isolated islands of rock indicate that the river once flowed to the eastward of them, and that the opening through which the river now flows is the result of some unknown operation of nature.

Below Grand Tower the river follows the Missouri bluffs closely for a long distance, receding from them near Bainbridge, touching again at Cape Girardeau. Here the main Missouri bluff recedes from the river, and appears no more. A short distance below Cape Girardeau a depression allows the Mississippi waters in floods to escape into the swamps, and thence into the Saint Francis. Bluffs again appear on both sides of the river at Cape La Croix, continuing for several miles, and terminating at Commerce, but the bluff on the west is isolated, and apparently has been detached from the Illinois highlands.

Near Commerce the bluffs recede, and the valley expands into the great alluvial basin of the Lower Mississippi.

Throughout the second section the river is, as a rule, held in on one side by rocky bluffs, and is remarkably direct in its general course; only when it leaves the bluffs, as noted, does it work out the long, sweeping curves to be expected in great rivers.

Below the junction of the Missouri and Mississippi the waters of the two rivers flow for many miles side by side with a distinct line of division. As far down as Carondelet, muddy water from the Missouri may be dipped on one side of a boat, and the comparatively clear water of the Upper Mississippi from the other. Long after the line of division is lost to the eye, the difference in the water obtained from different sides of the stream is strongly marked.

The river receives in this section two tributaries of considerable size, the Meramec from Missouri, and the Kaskaskia from Illinois. But their contributions to the volume are too small at low stages to have much practical influence upon the navigation, and but little upon the improvement of that navigation. The contributions of sediment, though considerable at times, are usually so small, compared with the immense quantities brought in by the Missouri, and excavated by the river itself from its banks and bed, that its effect is not discoverable.

The valley throughout this section, except near Grand Tower and at the Grand Chain, is from three to eight miles in width. Nearly the whole of this area is subject to overflow in time of floods. The ground generally slopes back from the river to the sloughs and lagoons with which the bottom is interspersed; and, as in like manner the ground

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slopes from the farther bank of the slough or lagoon, the probability that these lagoons have at some time been channels carrying large volumes of water is established. Many think it proves them to be sites of old beds of the river, a conclusion which is possible but not necessary, since any considerable volume of water, escaping over the banks of a minor channel, would explain the terraced formation which characterizes these river-bottoms.

The third section, extending from Commerce to the mouth of the Ohio, a distance of thirty-seven and a half miles, derives its distinguishing characteristics from the entrance into the alluvial region, where the uniform texture of the soil allows the river to shape its course without restriction; and, secondly, from the influence of the Ohio.

The times of flood of the Ohio and Mississippi are very different; and as the Ohio alone is able to cause a rise to a stage 40 feet above low water, when the Mississippi is comparatively low, the phenomena of back-water are of frequent occurrence, and its ordinary influence extends as far as Commerce, frequently farther. When the Ohio is high and the Mississippi low, the current through this section is slack, but when the conditions are reversed the current becomes very rapid. Owing, in a great measure, to these excessive changes of velocity, the channel is very unstable and the erosions extensive, as also the accretions.

The foregoing are the principal distinctive features of the sections as they present themselves to the eye.

It must not be understood that the description above refers to the navigable channel, when the river is spoken of as following the bluffs, or in stating that the course of the river is remarkably direct. The bed of the river is so broad that the channel meanders from side to side within the bed just as the bed itself meanders in the valley from bluff to bluff, and as by erosion and deposits the bed of the river, in long periods of time, traverses the valley, so the channel traverses the bed from bank to bank, justifying the remark often heard, that "not a square rod of the bed could be pointed out that had not, at some time, been covered by the track of steamboats."

The movement of the bed is ordinarily so slow that the impression to a casual observer would be that, as a general rule, the changes of the river were comparatively slight and of no great importance, as they do not, within short periods, so completely alter the contour of the bends and reaches as to attract notice. Local observers, on the other hand, noting the disappearance of landmarks, realize that the changes are great, and, keeping no exact record, naturally take an exaggerated idea of the extent and rapidity of the changes.

The shifting of the navigable channel is continual, sometimes in progressive movements, often in sudden leaps; the water forsaking one course and cutting out a new channel, in a very different direction, with very little warning.

The unstable character of the bars and channels renders it impracticable to execute surveys and maps giving in detail the hydrography of the river or the exact form of the bars. If, by elaborate surveys, these features were determined, by the time the maps could be executed the changes would be so great as to render them useless for any practical purpose. For this reason maps, descriptions, and plans relating to the Mississippi must of necessity be confined to general features; details would tend to confuse and deceive rather than assist in comprehending the real character of the river, and the mode of dealing with it practically.

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The surveys executed under the act of Congress of June 23, 1874, furnished only part of the material for the construction of the maps submitted herewith, and could not do more because of the limited amount of the appropriation. The map from Alton to the mouth of the Meramec is constructed from surveys made in 1871, 1872, and 1873, and does not show the present river as faithfully as could be desired. Very important changes have taken place at and below the mouth of the Missouri since these surveys were made. Below the Meramec, the shore-lines, at all points where improvements are desirable, were determined by actual survey during the season of 1874. At such parts of the river as are now unobstructed by bars, the shores are taken from the best data of former surveys, corrected by reference to the points established by the triangulation made in 1873 and 1874. Although not strictly accurate in matters of detail, the fixed triangulation-points forbid errors of sufficient importance to vitiate any conclusions that will be drawn from these maps. The small scale of the maps submitted, and the fleeting character of hydrographic features in a silt-bearing river, prevent any attempt to show soundings. A dotted line shows in important localities the channel as it existed at the time the surveys were made, and does not profess to show the channel during the season, nor as it existed at any specified date for the whole length of river shown. A considerable portion of the survey was made when the water was at the mean stage, another part at a stage approaching low water, but none at extreme low water. Consequently, it must be borne in mind that the channel marked out is more direct than a low-water channel.

Detail-maps of the several localities have been prepared for special studies of localities.

The surveys already executed afford much valuable information as to what the tendencies of the river are, but do not give any information as to what has been or what will be. It is essential that a continuous series of surveys should be made henceforth, as long as the improvement of the river is incomplete; and it is to be regretted that no surveys were made previous to 1873 which can be made available in the study of the physics and hydraulics of this portion of the Mississippi. Regretting the omission of the collection of data in the past, the neglect of observations and full records now would be inexcusable.

The value of the triangulation lately made in fixing points of reference, by whose aid each special survey can be located in its proper place and relations, and the exact changes of the river indisputably determined, has been very great. The necessity for a triangulation, including the whole valley from bluff to bluff, at an early date, is apparent, to secure and verify the position of points along the river, the greater part of which are liable to destruction.

In addition to surveys, as ordinarily understood, full records of observations of stage should be kept, frequent measurements of the discharge made, especially at the extreme stages, and special investigations of the movement of silt, in bodies and in suspension.

Discharge-measurements were made during 1873 and 1874 whenever the surveying-party should find a suitable place and opportunity to take the necessary observations without too great sacrifice of other duties. The series is short, and observations were never taken twice in the same locality; consequently the results must not be considered final nor the conclusions indicated as anything more than approximations.

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Table of approximate discharges, &c.

Number.	Localities.	Elevation of water above low water.	Date of observation.	Sectional area.	Width.	Mean depth.	Mean mid-depth velocity per second.	Discharge.	Remarks.
		Feet.		*Sq. feet.*	*Feet.*	*Feet.*	*Feet.*	*Cu. feet.*	
1	Below foot of Carroll's Island.	21.8	May 17, 1873	73,664	2,500	29.4	5.005	368,747	
2	Brickey's mill	19.6	July 23 and 24, 1873.	54,152	1,850	20.9	5.209	282,108	
3	One mile above mouth of Ohio River.	14.54	July 13, 1874	39,508	2,425	16.3	5.13	202,524	River rising 0.2 ft. in 24 hours.
4	Philadelphia Point...	11.75	June 5 and 6, 1874.	42,187	3,740	11.2	3.51	148,103	River falling 0.5 ft. in 24 hours.
5	Three-quarters mile above Chester.	10.25	Aug. 23, 1873	26,916	1,740	15.5	3.69	99,312	River falling 0.18 ft. in 24 hours.
6	Near foot of Arsenal Island.	6.0	Dec. 4 and 5, 1874.	26,281	2,500	10.5	2.80	72,487	River falling 0.25 ft. in 24 hours.
7	Cape Girardeau.	6.9	Oct. 23 and 24, 1873.	20,756	1,730	12.0	3.44	71,413	River falling 0.2 ft. in 24 hours.

None of these measurements affording an extreme low-water discharge between the mouths of the Ohio and Missouri Rivers, we are compelled to deduce it approximately from the observations made at comparatively low stages. Referring to the table and comparing the two observations numbered 6 and 7, when the stages of water were, respectively, 6 feet and 6.9 feet above low water, it will be observed that the amount of the first was 72,487 cubic feet, and that of the latter 71,413 cubic feet, the former exceeding the latter by 1,074 cubic feet, although taken apparently at a low stage of water.

Accepting these results as approximately correct, they suggest the fact that the bottom rises and falls to a certain extent as well as the water-surface; hence it is not possible, having a true cross-section at one stage of water, and knowing the velocities at much lower stages, to obtain a discharge for those stages by making the proper reduction in depth and corresponding reduction of sectional area; for the area may be lessened by deposits, or increased by the scour, during the interval.

Now, if a section of river could be found having an unchanging bottom, by the proper reduction of cross-section to the low-water stage, we might be able to obtain an approximate discharge for extreme low water. This condition is approximately fulfilled at the Chester section, where the bed of the channel proper is solid rock. The proper reduction being made, the sectional area becomes 14,986 square feet.

The velocity at this section for a low-water discharge is arrived at in the following manner:

Comparison of the stages of water when the Cape Girardeau and Chester discharges were taken, shows that there is an apparent difference of elevation of 3.35 feet. The Chester section reduced to this stage gives a sectional area of 21,805 square feet. Comparing this area with that obtained at Cape Girardeau, by observation it was found to be 1,049 square feet in excess. Now, since this area obtained by reduction is greater than that obtained by observation, the velocity must be less at Chester than at Cape Girardeau. Dividing the discharge obtained by observation by the sectional area obtained by reduction, we obtain for a velocity at this stage (6.9 above low water) 3.28 feet per second. Assuming that this velocity continues to diminish in the same ratio $\frac{(V-V')(d'-d'')}{d-d'}=V'-V''$ to a low-water stage, we obtain 2.44

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feet per second as the velocity for a low-water discharge at the Chester section.

We now have the probable low-water area, 14,986 square feet; and the probable low-water velocity, 2.44 feet per second; their product, 36,565 cubic feet, is the probable low-water discharge. We can now assume any mean depth of water as minimum; 10 feet would probably be most desirable. By using this depth (or any other desired) and the low-water discharge as constants, we can ascertain the proper width of water-way at different localities where different velocities exist.

The following is presented as an application of this:

Discharge	÷ velocity	= sectional area	÷ mean depth	= { width water-way.
36,565	2 feet per second.	18,282	10 feet.	1,828 feet.
36,565	3 feet per second.	12,188	10 feet.	1,218 feet.
36,565	4 feet per second.	9,141	10 feet.	914 feet.

The fallacy in the reasoning by which the above conclusion is reached lies chiefly in the assumption that a stage of 6.9 feet above low water at one point corresponds to the same stage at points seventy miles distant. The exact low-water reference being unknown as yet at the localities where these discharges were taken, the conclusions reached are far from satisfactory, but are the best approximations now available.

No observations having been made during an extreme high-water stage, no data exist for determining the proper width between outer levees, therefore no attempt can be made to determine this until more extensive observations have been made bearing on the subject.

From such observations as are on record, it is believed that at a bank-full stage, about 25 feet above low water, 3,500 feet is the proper approximate width.

The unstable character of the Mississippi has its origin in the rapidity of the currents, the excessive variations of volume, and in the loose texture of the soil through which the river works its way. Since none of these causes of instability can be changed or modified essentially, it is necessary to accept this character as an absolute condition, and study its phenomena in order to gain acquaintance with the laws or generalized facts, and thus be able to obtain the assistance of nature's forces, rather than contend against them.

Soundings, taken at various times and localities, prove conclusively that the depth of water in the river does not follow the rise and fall of the surface as given by gauge-readings. While one would not be justified in asserting it as a fact universally, it is abundantly proven that the bars, at least, rise and fall with the water to a degree that can best be expressed in the statement that a wave of sand accompanies the wave of water in a rise, but moving at a slower rate.

If a cross-section of the river be taken during high water, the soundings, reduced by the known height of the surface above low water, will become zero, or even a minus quantity in many sections, and always much smaller than the depth known to exist at the same locality at low stages.

Again, comparing the depth at various low stages upon the same bar, it will be found that the depth upon the bar does not increase or diminish in the same ratio as the water rises or falls, but, contrary to what would be expected, the depth often increases as the river falls,

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and diminishes as the water rises on the gauge. In the language of boatmen, the bars "cut out" in a falling, and "flatten out" in a rising river.

Since we know that, at ordinary high waters, the low-water channels are completely filled with sand, or very nearly so, the question is suggested whether, in great floods, the same is not true in a greater degree; in other words, whether a considerable part of the ordinary river-bed is not occupied by sand instead of water? If this be so—and facts, so far as observed, indicate that it is—the height reached by floods depends upon the amount of sand accumulated in the bed as much as upon the volume of water passing; and, moreover, it becomes probable that the influence of tributaries, in raising the river, often exceeds the ratio of the volume of water they contribute. As they come in at times very highly charged with sediment, especially the Missouri, a portion of this sediment is deposited, occupying and obstructing the water-way. The remainder, borne along mingled with the waters, and thus diminishing their fluidity, and therefore the velocity of the flow, also assists in heaping up of the waters.

At first thought the discussion of flood-phenomena may not seem pertinent to the subject of improving the channel. Since navigation is not impeded at floods, many hold to the opinion that, so far as navigation is concerned, the river at its higher stages may be left to itself, and that practical operations for improvement should be limited to the low-water bed, and look only to deepening the water over the bars.

But if the sand-wave fills the ordinary bed at times of flood to any great extent, there is reason to apprehend that an entirely new channel may be made, flanking the works of improvement, and disturbing the channel above and below for considerable distances. Moreover, there must always be a period, during the decline from a flood-stage, when the channel maintained by the flood must change to adapt itself to the diminished volume; for the floods, following the straightest cuts and along the shortest lines, convey the heavier and harder materials with them. The low-water volume, small in quantity and possessing less power, generally works its way through the softer portions of the bed, along the bends, &c.

The shifting of the channel, due to the varying volume of water, is a fact observable in all rivers, and the Mississippi differs only in that the changes are more radical. During this transition period, the channel must be uncertain and comparatively shoal; and the only remedy is to control the flow at all stages, at least to the extent of keeping the permanent low-water channel within the width of the channel at ordinary high water. As the high-water channel is always much wider than the low, this would seem to be practicable, the main difficulty arising from the fact that the low-water channel is much more tortuous than the high.

Considered as to hydrography and the direction of the currents, the Mississippi, when low, is not the same river as when high, and obviously the problem of a permanent and complete improvement involves the reconciliation of these diversities.

The bars in the Mississippi are chiefly composed of movable sand, and travel down stream at a rate in proportion to the velocity of the current, changing their shape as they pass the bends of the river or meet with obstructions that lessen the velocity, or deflect the current from its natural direction.

These bars overlap each other so that a longitudinal section of the

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river-bed would show inequalities similar to the surface of a shingle-roof, as shown by the full lines in Fig. 1.

Fig. 1.

Fig. 2.

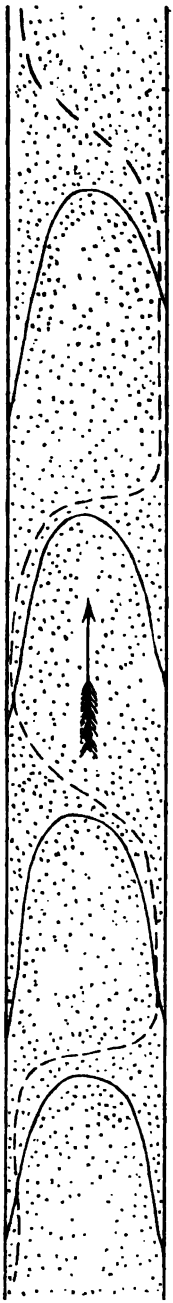
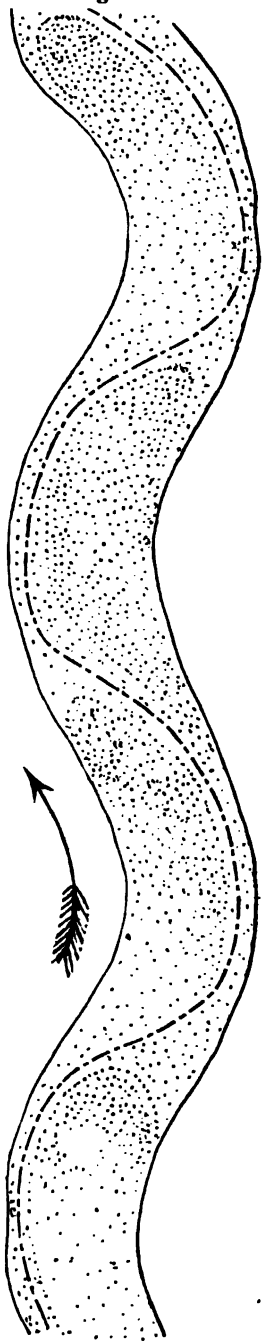


Fig. 3.



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The dotted line shows the changes that are constantly taking place in the surface of the bars. The material from *a a a* is deposited in the dead angle *b b b*, the bars preserving substantially their shape, but traveling down stream. A plan of sand-bars upon a perfectly straight reach of river, which presents a cross-section approximating the trapezoidal form, the crest of the bar being the highest about midway between banks, is shown in Fig. 2.

Of course we do not find this regularity in all parts of the river. In fact, if it were possible to make the river perfectly straight, it would not long remain so, unless the banks were protected from erosion.

We usually find reaches, which are straight in general direction, broken up into very short curves and approaching the form presented at well-defined curves, as shown in Fig. 3.

The introduction of any foreign substance, such as snags, drift-piles, &c., will change materially the shape and movement of the bars; so also will the curves of the banks. When the river rises the movement of the bars is more rapid, and as the bottom of the river also rises and falls again with the water, a channel is then formed in a new place as the water recedes, the crest of the bar giving way at its lowest point, which is usually nearest the shore, generally leaving a pool of water below each bar, and the low-water channel winding from side to side under the crests of the bars and through the pools.

The foregoing is given as a generalized statement of the form of the bars, and suggests that the position of the bars is determined by the outline of the banks. The frequent apparent exceptions found in the Mississippi are reconcilable by keeping in mind a distinction between the banks of the low-water river and those of the river at high stages. The dry bars form secondary banks at low stages, and to these banks the extreme low-water channels conform.

It is a fact well known that in the case of rivers flowing through alluvion the channel follows a succession of curves, convex connecting with concave, and that the deepest water generally follows the concave bank. The steamboat-crossings are along diagonal lines, moving from near the lowest point of one concavity to a point above the apex of its alternate opposite concavity.

From some observations made upon the Garomel, the point of deepest water in a bend was found to be several hundred feet below the apex of the curve, and the shoalest water along a convexity, at about the same distance below its apex; even where bounded by rocky banks, this effort at curvatures is apparent. Two instances of it may be pointed out, viz.: at Cape Cinq Homme, where the right-hand bluff above the point is slightly concave towards the river. The channel, following this bluff closely, makes, after passing the point, a reverse curve of considerably smaller radius, evidently limited to this degree by the rocky Fountain Bluff. At Cape La Croix the case is still analogous, though the channel curves sharply round the point and straightens down to the Grand Chain.

Even in rivers flowing through alluvial beds, the apparent anomaly of the channel being found directly under the point occasionally obtains, and can be explained by the fact that the velocity carries the gravel and other hard materials past the point, the inertia of the moving mass being so great as to keep it in its direct path until arrested by the opposite shore.

The channel through the section between Commerce and the mouth of the Ohio is subject to greater variations than the other sections, because the soil is more uniformly alluvial, and the variations of velocity

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very great. As already stated, the current is slack when the Ohio is relatively higher than the Mississippi; at such times much of the sediment brought to this section must necessarily be deposited by the comparatively still water; to be removed in whole or in part when, the conditions being reversed, the current through this section becomes more rapid than at any other part of the river. The changes consequent upon these variations of velocity differ in degree only from those occurring in other sections, and will require greater care and expense, in any works for its improvement, than elsewhere, but there is no reason to doubt that success can be assured in the application of the same general system.

The banks of alluvion in all the sections are light and movable, with strata of quicksand underlying or outcropping in many places. These banks are constantly changing from the action of the currents upon them. In addition, the water, when high, saturates the bank, while, at the same time, it aids in supporting it. As the water falls, the saturated earth, under its increased weight and its tenacity lessened by saturation, falls off in large masses, and is taken up by the current. The quicksand, semi-fluid as it is, when it moves laterally, removes the support of the superincumbent mass, another cause of slides.

Another potent cause of action upon the banks comes from the waves of passing steamers, and their action has been found energetic enough to affect the bank, even when revetted with stone, the wave-action being propagated through the interstices of the revetment-stone.

At what depth the bed-rock underlies the sand, gravel, &c., of the river is only known for a few places where borings have been made. But the question cannot have much practical bearing, since the depth to the rock is usually so great as to forbid the idea of seeking rock-foundations.

The transportation of sediment by running water is a topic that has been often discussed, and many theories advanced to explain the facts. The discrepancies of the theories even now held by different writers is proof that the facts have not been collected and studied to a degree justifying any statement being put forward as absolute truth.

It is recognized that the power to abrade and transport is related to the velocity; also to the character of the material. Besides these obvious elements there are others—continuity and change of direction and depth—which have an undoubted influence; but the relative power of each element in producing the result is wholly undetermined; nor is it certainly known whether all the elements have been discovered.

A shade of the truth probably pervades all the theories, but mixed with much error, arising from their having been based upon the study of a single stream, and that presenting probably extreme conditions. From France comes the theory of the controlling influence of breaks in the continuity of the direction or in the changes of the direction. From India, the theory that water, flowing between banks or over beds of loose material, carries a load of sediment, bearing a fixed ratio to the velocity subject to modifications by depth, and, of course, the character of the material carried. Briefly stated, in a river flowing in a bed whose material is uniform, the amount of sediment borne varies directly as the velocity and inversely as the depth; and that the water passing any section is always charged with the full amount of matter which it is capable of carrying. Consequently, the load borne varies with every change of velocity, however slight; dropping a portion of the load when velocity is diminished from any cause producing sand-bars, and recovering its load by attack on the bottom or banks when the velocity in-

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creases, resulting in erosions; while with a uniform velocity, neither erosion nor deposit can take place. According to this theory, uniform motion with its attendant saturation with sediment should be the object.

According to the impact and friction or change of direction theory, deposits are inevitable, if sediment is borne, and erosions must occur if the angle of impact exceeds a limit proportioned to the resisting power of the soil; consequently, according to this theory, the object is to diminish the amount of material in motion, to prevent deposits, and to check erosions, by protecting the banks exposed to attack, and to prevent the occasion for injurious action, by securing an unbroken continuity, to direction, and reduction of the angle of impact, by regulating the outline of banks to a succession of osculating curves.

Experience has shown that practice under the latter theory is attended with success. The former theory rests upon observations, but has not been tested by practical works for the improvement of rivers based upon the principles given. One prominent fact observable on the Mississippi is contradictory of the practical part of the equilibrium or India theory, for, as has already been stated, the waters of the Mississippi and Missouri Rivers flow side by side for many miles, with a distinct line of division between clear and muddy waters. Where the waters of these rivers first come in contact, the clear water of the Mississippi is pressed against the alluvial bank on the Illinois side, which it cuts into rapidly, and in the clear part of the river is found the deepest water and most rapid current. Passing into Sawyer Bend, on the Missouri side, the Missouri water comes in contact with a bank, similar to that previously pressed by the Mississippi waters, and, although thick with sediment, the erosion at this place fully equals that above; continuing past the city of Saint Louis, the water comes to the bridge, with the line of division yet distinct, and immediately below the clear Mississippi water presses upon a bar upon the Illinois side without any remarkable attack. Thus it may be traced until the difference in the waters fades out, but without developing anywhere the marked erosions of the Illinois bank or the alternative extensive deposits on the Missouri side which the theory would demand, for, according to it, it should be impossible for two neighboring fillets of water to flow over the same bed and with equal velocities without carrying an equal load. The case has been traced so far that each kind of water has undergone both increase and diminution of velocity, and many changes of depth and direction.

Many facts are required to establish a theory; one, if unreconciled, can disprove it. When the attention of the author of this theory was called to the fact here presented, he replied:

* * * In the examples of the large American rivers you refer to, where the Missouri brings down water quite turbid, while the Mississippi is nearly a clear stream, I would observe that where the load of solid matter held in suspension is not probably the one-thousandth part of the weight of the water flowing down, it may be practically impossible to observe any retarding of the velocity on account of the load transported; but with such torrents as above described,* bringing down a large percentage of solid matter, and with water loaded with sewage, I believe it is possible by experiment to discover a difference in the velocities, as compared with pure water, with the same slope and transverse section.

The examples above given, of water flowing at great velocities, pitching about bowlders, shows that a certain power must be exerted which offers some resistance to the flow of the water, and if so with rocks or bowlders forced to bound forward, so with shingle, sand, or the finest particles of clay, will the flow of every stream be somewhat retarded, in some proportion due to the quantity and quality of the load transported.

* Certain mountain-torrents in India, here referred to.

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In the case of the Missouri River, I believe that it will be found that the rock and soil of which its catchment basin consists, is composed of materials that have already undergone the abrasion of water, while that of the Mississippi will be found more crystalline, and sand will predominate instead of mud. In proof of the power of flowing water picking up its load, I may here state that in the cold season the water is quite clear, and a rupee can be seen at depths exceeding 10 feet at the head of the Ganges Canal; at the sixth mile the rupee is lost sight of at 5 feet below the surface; at the twelfth mile, about 4 feet; at 3 feet depth the rupee can be seen some twenty miles down the canal; and so on did the muddiness of the water go on increasing till about the fortieth mile, when a saturated load of solid matter was attained. It was therefore in these first forty miles that all serious action on the canal bed and banks took place prior to the time I held up the surface of the water at the falls; and in my report of November, 1861, I estimated the cutting that had then taken place in the first forty miles, at some eighty or ninety millions of cubic feet of earth. It was by observing this cutting in the upper portions of the canal, and the tendency of the stream to change its channel lower down, which led me to think of this abrading and transporting power of water; and it was my native foreman, Sahib Sing, who first drew my attention to the fact that this abrading action on the bed only took place when the water admitted into the canal was comparatively clear; and not when the Ganges was in flood, passing down turbid water which can only be compared to pea-soup, for nearly six months in the year.

The writer of the above, in dwelling upon the turbidness of the water in question, seems to have lost sight of the fact, or at least does not seem to attach much importance to it, that large quantities of matter may be held in solution, the capacity for which varies with different soils; also, of the fact that the capacity of a stream to abrade is mainly due to its living force, ($M V^2$,) a function of its mass and velocity; and that the factors may change and the product remain the same. The resistance to abrasion depends upon the nature and shape of the banks and bottom. The matter becomes complicated when taken up in this shape; and while Mr. Login's statement of facts is entitled to full respect and belief for the locality to which he refers, it does not follow, by any means, that the theory is applicable to the Mississippi River.

In the first part of the foregoing extract Mr. Login is defending the proposition that the transportation of sediment being work, must be at the expense of force, and, in the case of running water, gravity being the moving force, its expenditure must diminish the velocity. Whether this be accepted, or the view taken that mixture of foreign matter diminishes the fluidity of the water, is practically immaterial; the velocity would be less in either case than for pure water, though, as he says, the effect would be inappreciable except in extreme cases. The proportion of sediment in this part of the Mississippi River under discussion has been stated, in a report made to the public school board of Saint Louis, to be $\frac{1}{3226}$ part in volume. Noting that Mr. Login likens the sediment-saturated waters he observed to pea-soup, and remembering that his idea of pea-soup is English, it is evident that the waters of the Mississippi do not approach such saturation; consequently, the theory does not apply practically to the Mississippi.

Mr. Login's observations show that the point of saturation is sometimes reached; and he does not assert that water flowing over an unstable soil is always so saturated; rather the contrary, for he says that it required the active erosion for a distance of forty miles in the Ganges Canal before the point of saturation was reached. The violent and unwarranted assumption that a given current is always charged with the full load of solid matter that it is able to carry, has been added to his statement, and is abundantly disproven.

Passing from theory to the practical question of securing the object definitely placed before us by the order of Congress requiring this survey to be made, which was to obtain plans and estimates for the improvement of the Mississippi, so as to secure a navigation affording a depth of at least 6

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feet, at the lowest stages of water, from the mouth of the Illinois to Saint Louis, and 8 feet from Saint Louis to the mouth of the Ohio, the first inquiry is concerning the character of the navigation desired. Since the requirement specifies the lowest stages of water, it must be understood that the same or a greater depth is expected at all stages above the lowest. The lowest stage known does not occur when navigation is practicable in the section of river under consideration, being a consequence of ice-gorges above the point of observation, acting as dams in cutting off for a time the supply of water to the river below, which, therefore, drains out. Such abnormal occurrences cannot be provided against.

Taking the lowest stage to mean the lowest occurring when navigation is not suspended by the rigor of the season, the obtaining of the depths specified at that stage does not necessarily imply the existence of that or a greater depth at all higher stages; for, as has already been stated, the channel-depth sometimes increases as the river falls.

The depth of a river depends upon the form as well as upon the area of cross-section, and a large area may, from immoderate width, afford less depth than a smaller but narrower section—a consideration of great importance in determining the plan of improvement.

Another requirement of improved navigation is, that it should be reliable. The possibility that an improved navigation, after being available for one or more seasons, may deteriorate, would forbid the investment of capital in floating stock and the other facilities requisite to the transaction of business. Commercial relations are so extended and delicate, that an inferior and more costly route of transportation will be preferred to one having the advantage in these respects, but which cannot be relied on for future engagements. This quality being in some degree wanting in the Mississippi route, is one of the principal reasons why the business of transportation upon this route has not kept pace with the development of the territory it drains.

The demand, then, is, first, that a good navigation be obtained; second, that it be maintained.

The magnitude of the river and of the interests at stake, which occasion the demand for its improvement, measure, the one the task, the other the means of accomplishing it. How great these are, it is not the design here to consider; but it is assumed that they are in due proportion, and that the only questions before an engineer are, what can be done, the plan of operations, and the mode of conducting these operations.

The first demand, that a good navigation be obtained, is satisfied with depth of channel. Combined with the second, that it be maintained, the continued existence of the channel is required, or the provision of ample and efficient means for its restoration, whenever impaired, so quickly, that practically no interruption shall occur. The first alternative implies permanent works; the latter may be satisfied by temporary.

Many persons, as before adverted to, hold to the opinion that attention should be confined to the amelioration of the low-water channel, as it defines itself year by year. Therefore, a consideration of the various modes of effecting a temporary benefit is necessary to a fair discussion of the subject before us.

The effort for this purpose must be directed to opening a passage through each bar as required, and as the bars, or reefs, are comparatively short in the direction of the channel, it is supposed that all that is needed is to make through the crest of the reef an opening wide enough for navigation, and that the increased strength of current will

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keep it open for the remainder of the low-water season. If it were possible to consider the reefs as abiding in nearly the same position throughout a season, this mode of opening a channel would be simple and apparently easy; as the appliances used, after accomplishing the end at one locality, could be moved to another, and thus, in succession, a single equipment would answer for a considerable extent of river. But as the sand-reefs have a progressive motion in many cases, oblique to the line of deepest water, the channel is crowded out of its first position, and a new crest is formed, a process which can repeat itself many times in a season. This tendency, in connection with the shifting of the channel already mentioned, as attending decrease of volume, will make frequent returns of the equipment to the same locality necessary, and instead of maintaining a good navigation over a long extent, it will be found in practice, that, to be effective, an equipment would find full employment upon two or three crossings. and while an opening is being made the appliances must occupy the channel; which is a serious objection. In order that these opened passages may maintain themselves, it is necessary that the additional area obtained in the channel should be compensated by the filling, or obstructing, of an equivalent area from some other part of the cross-section, outside of the channel; otherwise, we expect the impossibility that a certain volume with unchanged or increased velocity, should fill an increased area.

These remarks apply with equal pertinence to two classes of appliances, viz: scraping, dredging, or agitating machinery, and portable dams. Comparing the merits of these classes of devices, the advantage would be in favor of portable dams in first cost, and operating expenses. Both classes have been tried, and have demonstrated their ability to open a way through a reef; but the results have not been satisfactory, hitherto, because not lasting. It may be objected to this statement, that the permanency of channels opened by portable dams has not been tested, as the only extended series of experiments on the plan of opening bars, has been with the long scraper; but it must be admitted that the permanence of an opened channel cannot depend upon the means by which the opening was made when the means are removed from the scene. The competition between devices for this purpose is limited to cost and efficiency in opening, and it is not the purpose here to discuss the relative merits of devices, but to consider the results which may be attained by their use. Experience indicates that to maintain a channel in this way would require an equipment for each section of 10 miles; to be kept in active operation during the low-water season of each year for all time; and the results then uncertain, and a serious disadvantage attending the application of the system.

A permanent improvement must of necessity be designed and executed in entire harmony with the natural laws of the river. A mighty river is impatient under restraint—can be led, but not driven. In one sense, the difficulty of executing a plan of improvement increases much more rapidly than the size of the stream; in another sense, the potent forces, judiciously handled, can be made to do no inconsiderable part of the work.

Permanent works may be considered as serving a two-fold purpose: first, to obtain and maintain a good navigable channel; second, to protect the adjacent lands from erosion and overflow. The navigation interest is without question the only one now to be considered; but the landed interest will certainly derive important incidental advantages from the permanent improvement of the channel.

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The maintenance of a good navigable channel requires—
1st. Sufficient depth at all stages.
2d. A judicious location.
3d. Stability of position.
4th. Facility of approach to landings.
5th. Easy changes of direction.
6th. Moderate velocity of current.

These requirements stand above in the order of their importance. The first is a condition precedent, and must be satisfied. In solving the problem of securing depth of water, we have to deal with certain elements, all to some degree variable, either naturally or artificially, and the combination of the whole fixes the depth at any given time and place. These elements are width, volume, and velocity; and the latter term depends upon the slope or descent, and distance, as its controlling elements. Of the terms of this function the slope is fixed naturally, if we compare the elevations of geographical points connected by fixed lines; but if the length of the lines can be varied, then to that extent slope is an element subject to control; also the same result may be reached by producing a different distribution of the fall. To deepen a channel, by changing its slope, would be equivalent to lengthening the river. (The change of distribution of fall involves its concentration by dams, a method clearly inapplicable to a large silt-bearing river.)

Volume is an element which, for periods of time, is fixed naturally; but the discharge may be distributed artificially, so as to be more nearly uniform than the supply. The proportion to feed rivers at low stages, from reservoirs filled at the higher, is practicable with small streams, but for large rivers, the areas required for reservoirs, and the cost of retaining dams, become so enormous as to render the proportion impracticable.

The element of width is so evidently within the range of control, that no argument is required to establish the position, that contraction of widths is the easiest and most practical mode of increasing the depth of channel in all cases where the volume is practically beyond our ability to control; in some cases, in addition to contracting width, it would be advisable to lengthen the channel. It will be seen that shortening must be avoided, as a rule; for the effect of a shortened course is to increase the slope and velocity, which would require an inordinate contraction of width to obtain the desired depth, and the increased velocity would endanger stability.

The second requirement, the judicious location of the improved channel, includes the purely engineering consideration of following the natural tendencies of the river, or at least the negative proposition, that no unnatural changes of position should be made, or unstable natural conditions be accepted; and also due consideration of the convenient use of the channel for all the purposes incident to navigation and commerce.

In the consideration of this topic, we come in contact with many local and individual interests; also, with the opinions of many persons who have from observation and reflection arrived at fixed opinion concerning the course to be followed. Conflict with the former is to be avoided, so far as possible. The later may be considered, but cannot be allowed to govern. There are two opinions (held by many who glory in calling themselves practical men, and delight to cast contempt upon what they call scientific theories,) which have their foundation in very poor theory, because unscientific. One is that the channel should be straightened and canalized; the other that it

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should, in all cases, be held along the foot of the bluffs, where such exist. Without entering into any extended discussion here, it is proper to recognize the existence of these opinions, and state briefly why they must be rejected.

The logical objection to straightening the channel has already been given—the velocity would be increased thereby, and increased destructive energy be brought to bear upon the banks and bed. It may be said that such increase of velocity would be temporary, as the river would adapt itself to the new condition, and, in time, regain its former slope. This can only be done by regaining its original length, or by a lowering of the bed, proceeding from the lower part of the river toward the upper. But where the bed is composed of material too hard to be readily moved, the accumulated fall must produce a rapid. The cut-offs that have taken place in the Lower Mississippi have not permanently shortened its course, and many which were made in Europe, especially upon the Rhine and Danube, with the purpose of shortening the distance between points of commercial importance, have defeated the design by creating a current which proves a serious obstacle to ascending boats; and the lowering of the level in the reaches above the cut-off develops many new obstructions, while the deposits in the pool below cause similar difficulties there. The idea of the advocates of straightening is that, with a shorter course, flood-waters will pass without entailing injury, and that the increase of current will not impede steam-navigation in a greater ratio than would be compensated by the decrease of distance.

The suggestion that the channel should be made to follow the bluff, is made simply because the bluff presents an unyielding bank, against which it is supposed to be an easy task to hold the current. As the bluff-lines are very straight, this proposition is similar to the first-mentioned, and liable to the same objections. To hold the river to straight lines would be a work of great difficulty, and the difficulty would increase with increased velocity. One fear entertained by those favoring the bluff-line is, that if the channel be allowed to make a sweep out into the bottom, it cannot be controlled, forgetting that it is easier to control a current following its natural course through alluvial soils, than it would be to force it from that course by works which must rest on the same unstable foundation as the lighter structures required to restrain it within reasonable bounds. Another consideration, which would be fatal alike to both propositions, arises from the disturbance of existing business relations by the destruction of landings, which must result from their adoption. Moreover, if the bluff is followed, the landings would be chiefly limited to the side whose broken character forbids the expectation of much agricultural produce being raised; and, in any case, the landing would be difficult of access from the back country. In addition, the opposite alluvial side would be cut off from access to deep water almost entirely.

Existing business relations have adapted themselves to the natural course of the channel; and, in order to avoid individual claims for compensation, it will be necessary to make the improved channel follow the natural course as far as possible, on the principle that riparian rights and benefits, which have been destroyed or changed by the action of natural causes, furnish no ground of claim in equity, if the privation be rendered permanent.

Policy, then, would determine the advisability of following the existing channel in all cases, and the same course would logically follow from a train of scientific reasoning, for the law of a stream is

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the expression, in general terms, of the facts presented in nature, and is necessarily abstract. To reconstruct the stream according to conditions imposed or assumed, can be done successfully if we know all the facts and relations which enter into the problem. The omission of one may be fatal to success; hence all arbitrary changes are to be avoided. But nature overlooks nothing, and we may confidently assume that the position and direction of the river at any time is the resultant of all the forces, and consequently is a concrete expression of the law of the stream, which we may modify and preserve, but may not safely destroy or radically change. To accept and follow nature is, in this case, the beginning and end of science. To attempt either to straighten the river, or to compel it to follow the rocky shore, would be alike presumptuous.

The third requirement—stability in position—is a natural consequence of permanent improvements, and essential to the establishment of facilities for the traffic. To insure this quality it is necessary that the velocity should be sufficient to carry the lighter material brought into the channel to a suitable place for deposit, but not great enough to cause erosion of the bank.

The fourth requirement—facility of approach to established landings—is an important consideration, and since large towns cannot follow the river in its changes, the conditions presented are often antagonistic to the natural bent of the channel; and in such cases the demand is absolute that the natural be changed. At times the conditions border upon the impossible. Take for instance the case of a town situated upon the convex bank of a river; it is well-nigh impossible to maintain the channel on the convex side, because unalterable natural laws forbid. If we try to contract the width to such narrow limits as to obtain a required depth on the non-channel side, which is the best, and, indeed, the only thing that can be done, we endanger not only the works themselves, but also the property and lives, even, of the people, when the waters of a mighty flood demand passage through the narrow gateway; and no safe contraction can assure the desired depth on the convex side. In this connection it may not be out of place to remark that the injudicious acts of individuals, or municipalities, may often endanger the improvements made by the General Government for the benefit of the whole people to serve some local project, and that the establishment of regulations defining riparian rights and the privileges of town authorities is a subject demanding the attention of Congress. The conservancy of navigation being undeniably vested in Congress, the exercise of that power, in defining the limits of encroachment upon navigable waters, is proper and necessary.

The fifth requirement—that changes of direction should be easy—is mainly in the interest of stability, but also has a practical relation to the convenient use of the channels. A discussion of the bearing of the direction of currents, in relation to the banks, if entered into, would exceed the limits of this report. The result reached would be, that the current should be parallel with the banks whenever possible, and abrupt changes of direction avoided. Practically, it would not be proposed to make many changes in the present contour of banks by active interference, but rather to secure a favorable alignment when it exists; and when it is imperfect to patiently wait for nature to work out the problem of a good line. Accurate surveys of stable bends will determine the degree of curvature most favorable. When the character of the soil does not furnish sufficient resistance, some form of artificial protection must eventually be resorted to.

During this past season particular pains were taken to survey and

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delineate upon maps the strongly-developed curves or bends known as Rush Tower, Saint Mary's, and Cape Girardeau, the latter being considered a good example of a curve of stable regimen. These three curves, if carefully studied by means of resurvey for several years, may develop laws, the knowledge of which will be of the greatest importance in conducting the improvements of the river.

Defontaine, who devoted a number of years to careful study and improvement of the Rhine, expressly said, that the degree of curvature to be given to the bends on a river could only be predicated upon observation of existing curves of known stability on the same stream.

Mahan, in his work on civil engineering, (edition of 1867,) says:

> From observations made upon the Rhine, it is stated that elbows with a radius of curvature of nearly 3,000 yards preserve a fixed regimen: and that the banks of those which have a radius of about 1,500 yards are seldom injured if properly faced.

The fact that the natural course of a river, flowing through an alluvial bed, follows a series of direct and reverse curves, merging into each other, is universally admitted by all engineers of study and observation, and the expediency of maintaining them in such course, where local interests of magnitude do not demand and warrant departure, is equally admitted.

A cross-section in a bend will, generally, approach in shape a right-angled triangle, the right angle at the bottom and near the concave bank. Consequently, in a bend, the width may be greatly increased beyond that admissible for straight portions of the river, yet maintaining nearly the same area of cross-section, and sufficient depth in the channel. In bends, therefore, protection of banks is the improvement required, and, considering navigation only, the work is by no means urgent.

The sixth and last requirement, moderate velocity, has been discussed incidentally already. There are localities, especially below Commerce, where the velocity is at times excessive, but beyond possibility of being changed for the better. The condition must be accepted and met by stronger works to insure permanence.

Having in the preceding discussion shown that a system of temporary expedients would fail to secure the end, and also defined what a permanent system would accomplish, the question arises, can the superior permanent system be carried out upon such a river as the Mississippi? In answering this question we have the benefit of the experience of European engineers, who have successfully improved silt-bearing rivers traversing alluvial valleys, and subject to great variations of volume, and the Mississippi differs only in degree from some of these successful precedents. That this difference in degree does not present insuperable difficulties, is proven by actual experience in works of the character proposed, executed during the last three years upon the Mississippi, which have proved successful.

The problem, then, is solved as an engineering question; the execution is a question of time and money.

The adoption of the permanent system is but a question of time; for, as the country becomes older and more densely populated, aside from the requirements of navigation, the products of the fertile alluvial lands will be essential to the welfare of the country, and the state reasons which have led to the regulation of European rivers will demand the same for the Mississippi, and, in time, its principal tributaries also. The completion of these works will require many generations; but as the necessity is clearly foreseen it would be inexcusable to ignore it now, since it is entirely practicable to make every step in the interests of im-

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mediate wants; a step, also, toward the final end, without adding to the cost or delaying the realization of the benefit desired. Assuming that this course is to be pursued, it remains to consider the steps that come first in the system proposed, which will be the work for the years immediately before us.

The interest of navigation (the improvement of the worst bars) is first demanded, and this consideration decides each year the points where work is to be done. As the worst bars now are at or very near islands or high bars, that are as effective as islands in dividing the waters, the most useful work at present is the closing of the chutes, which, we may be confident, will materially help the navigation, as the cases are rare where a serious obstruction occurs when the water all flows in a single channel. After the closing of the chutes, the contraction of width-reaches comes as the next step, and, when complete, good navigation is obtained, and must be obtained, by the protection of caving-banks.

The closing of chutes often involves more or less conflict with local and proprietary interests, and in some cases with matters which rise into the importance of state questions.

The definition of the boundaries of States by the channel of the Mississippi gives the jurisdiction over the islands to the States to which they belong at the time the boundary was defined, as decided by the United States Supreme Court in the Wolf Island case, (Missouri *vs.* Kentucky, Wallace's Reports Supreme Court United States, volume 11, pp. 395–411.) Several cases are known where the present channel divides the island from the State to which it belongs, and if the old channel, now but an insignificant chute, is closed, the island will be territorially annexed to a State having no jurisdiction over its soil. It will readily be seen that serious complication may arise in such cases. Such annexations are likely to occur from natural causes, and several will necessarily be made if the improvement continues, and the closing of chutes is to be determined upon engineering considerations alone.

It may not be out of place to mention here the general belief prevalent among owners of land adjacent to island chutes, that the construction of a dam across the chute or slough will insure accretions of land to their benefit.

This is true to some extent. In the case of a single dam, the accretions generally take place in the shape of a bar across the foot of the slough or chute; another in the prolongation of the island; and a deposit at the head of the chute, extending some distance above the dam, frequently neglecting, however, the immediate vicinity of the dam altogether. A high dam just below the level of ordinary sediment-bearing floods would insure more deposit; but experience on the river Rhine, where, in most cases, the object was to make land, demonstrated the fact that three or more dams were generally necessary to insure sufficient depth and extent of deposit. In the case of a single low dam it was found better to locate it at a considerable distance below the head of the chute, in order to allow as much of the gravel and other material to enter the chute as possible, not only to aid in the formation of land, but in addition to prevent the material being swept into the channel.

The formation of land not being an object of present consideration, we may say that as a general rule low dams and dikes should alone be used. In general terms none of the works erected should interfere with the free discharge at high stages, but should begin to act at some intermediate stage. This should be before the want of depth is felt, and will probably vary for different localities.

The meaning of the words "intermediate stage," in the last para-

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graph, requires definition. The idea is, that the dikes and dams should be of such height as to produce action upon the bed when the river is first approaching the low stage, so as to prepare the channel, in some degree, for the less powerful effect of the diminished low-water volume. Yet it must not be inferred from this that violent action upon the bed is by any means advocated.

As before stated, the path of the heavy materials of floods is generally along the most direct course. The low water, having to cut for itself a channel, seeks the line of least resistance, through the lighter and softer material, and this is one reason why the low-water channel is, in nature, more tortuous than the high.

Referring to what has been said on the subject of the partial filling of the bed at high water, and the principal universally accepted, that depth of channel is easiest secured by contracting the width, the query arises, is it not possible to retain the high-water deposits in place as the water falls over a part of the width, and thus contract the width at low water? Two modes of accomplishing this suggest themselves: first, to protect the areas which it is desired to convert into dry bars by inclosing them with barriers quickly and cheaply constructed; second, by attacking the crests of the reefs upon the line it is desired to have the low-water channel follow, and thus concentrate the scour upon that part of the bed which is to be the low-water way. In practice it might be found advisable to combine the two methods, and thus open a field for the use of some of the devices discussed under the head of the temporary system.

If, on trial, these suggestions should be found practicable, the benefits to navigation which would follow a regulation of the river could be more quickly and cheaply attained than in any other way, for we have but to secure the areas laid dry from being washed away, and the opposite banks from caving, to render the improvement permanent. Treated in this way the immediate and temporary improvement would be entirely consistent with the system of permanent improvement.

The mode of construction having been described in my annual report for the fiscal year ending June 30, 1873, (see Report of the Chief of Engineers, page 444 *et seq.*,) it is not necessary to enter into details here, as, in all essential features, the plan there discussed is still followed.

Variations in the minor features, of course, must be made, as circumstances demand.

In constructing dikes and dams upon the unstable foundations found in the Mississippi, the difficulties to be encountered are in the strength of the current and the liability of scour around and under the works during construction and after completion. The strength of the current is a difficulty to be overcome, and must increase with the progress of the works until they arrive at or near the surface of the water. The scour must be arrested at an early stage of the work, or the additional expense incurred of placing foundations in deep water, and the greatly increased prism of material required to reach a determined height. Settlement of the works during construction and even after completion, is to be expected.

Various modes of construction have been tried and most carefully studied, and decided preference is given to the general plan of brush foundations and riprap superstructures as adapting itself to any shape of bottom, and being able to endure settlement without injury.

Brush foundations, besides flexibility, have the merit of distributing the weight of superstructure over a considerable area, while the body of brush presents, when compacted by the superincumbent weight,

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small interstices for the passage of water close to the bottom. This material being found in large quantities along the river, can be obtained and handled at moderate cost.

Extended operations would soon exhaust the present supply, and it may be found advisable to encourage the growth. Under moderate appropriations, the natural production would probably suffice.

Material suitable for riprap is attainable at many points along the river, insuring its procurement at very reasonable rates. It would be good policy for the Government to acquire, by purchase or long lease, several quarries, to be operated under contracts or by hired labor, as may be found most desirable.

In construction the utmost rapidity of progress is essential to economy, and it has been found practicable to carry the foundations across channels and bars so rapidly that no considerable deepening took place as the work advanced, by limiting the first work entirely to putting in an apron to protect the site of the proposed work.

In closing chutes this class of work must be done when the river is at a low stage, and in any case cannot be done when drift is running.

This limits the possibility of preliminary work to the fall season, and renders any loss of the favorable season a serious disadvantage. The postponement of appropriations to the close of the session of Congress is unfortunate in that every alternate year a considerable part of the session is consumed in preliminaries, a loss which could in a measure be avoided, if the amount to be appropriated could be certainly known as early as March of each year.

As already intimated, it is not practicable to present plans in detail, owing to the great changes which must occur between the time reports are made and the commencement of work. In so extensive a field as the Mississippi from the Illinois to the Ohio the simultaneous prosecution of work at all the points where improvement is desirable is not possible under the system of yearly appropriations, but might be done if the full amount estimated were granted at once. As this course is not supposed to be possible, it is contemplated to prosecute the works in the order of their importance to navigation, selecting those places which present the most formidable obstructions for the first operations, the number undertaken each year depending upon the extent of work required at the several places and the means available.

The estimate of this report is based upon the present condition of the river. It is probable that some of the items included in the estimate will be found unnecessary, the desired end being reached naturally; others not estimated will as probably be found necessary. It is, therefore, thought best to name the aggregate sum for each locality, without specifying the items of estimate. As the estimates are made upon the basis that certain lengths of dams and dikes will be required, and at a cost per unit, taken from the actual cost of such works already constructed, the aggregate cost will probably not be materially changed by the changes in the position and length of individual proposed works.

The list of localities is not final, if we consider the probability, almost certainty, that new obstructions will be developed hereafter. The estimate given by localities may be taken as the cost of obtaining the navigation desired. To maintain that navigation will require the revetment or other protection of caving banks. The estimated sum of $4,000,000 is intended to cover the cost of such works—to preserve the channel at those points where the necessity is likely to occur.

Further examination would be necessary to determine where works of this character are most needed. The greater part, we may safely say,

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would be required between Commerce and the Ohio. The estimated time for the execution of the improvement of the channel is four years; the work of maintenance will never be complete.

One million dollars could be judiciously used the coming year, and the appropriation of this sum is recommended. With such an appropriation, work would be continued at Saint Louis Harbor, Horsetail Bar, Turkey and Devil's Islands, and new works commenced at Piasa Island, (above Alton,) Perry's Towhead, Liberty Island, Power's Island, and Greenleaf's, the bars at these localities being the ones which now seriously obstruct the navigation.

Estimate.

Locality.	Estimated cost.
From the Illinois to the Missouri River	$600,000
From the mouth of the Missouri to Saint Louis	150,000
Upper section of Saint Louis harbor	185,000
Arsenal Island	100,000
Horsetail Bar	100,000
Twin-Hollow Bar	80,000
Platin Rock	72,000
Selma	110,000
Fort Chartres	75,000
Turkey Island	100,000
Saint Genevieve	100,000
Liberty Island	100,090
Hat Island	150,000
Grand Tower	50,000
Hanging-Dog Island	30,000
Moccasin Springs and vicinity	200,000
Devil's Island and vicinity	250,000
Hamburgh	50,000
Commerce and vicinity	200,000
Buffalo Island	20,000
Greenleaf's	150,000
	2,872,000
Add 10 per cent. for contingencies	287,200
Revetment between the mouth of the Missouri and mouth of the Ohio River	4,000,000
Total estimate	7,159,200

In the conduct of operations upon the treacherous foundations which characterize the Mississippi, economy and success demand that the engineer in charge should have entire liberty to modify his plans whenever necessary, and to have full control over his work; to push it forward when occasion demands, and to suspend when it becomes desirable so to do.

Contracting works of this character is attended with serious difficulties; first, because all estimates are necessarily indefinite and uncertain; under varying conditions the character of work is liable to change, in the kind, proportions, and amount of material used, and what was expected to be easy may become difficult, or anticipated difficulties may disappear. These contingencies render it very difficult to frame specifications that will meet the practical conditions, and bids must be made at a venture, which demands a wide margin in prices beyond what a definitely described work can be done for. Under such conditions the result of a letting, under existing regulations, is almost inevitably to give the award to irresponsible parties, the guarantees and bonds which satisfy the requirements affording no sufficient security. Experience has shown that, with an inefficient or tricky contractor, works of this character are very expensive, for delay or neglect, intentional or not, results alike in vastly increased quantities of material; and as the plans

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contemplate the placing of foundations in water of moderate depth, the suspension of work for a few days will produce a local scour that exceeds the depth provided for, and compels resort to more expensive methods not provided for in the contract.

Considering the matter in the light of experience, I cannot recommend the contract system, so far as the preliminary work of aprons and foundations are concerned. After these preliminaries are secured there is no objection to adopting the contract system for the delivery of material in the body of a dike or dam. Necessity has compelled me to provide the plant required for the construction of these advance works, and, working under small appropriations, this plant suffices to do all the work; and, it being unquestionably good policy to keep equipment fully occupied, the work of the present year has been done by the United States directly by hired labor, and the purchase of material in its natural state. Although compelled, by act of Congress, to pay twenty-five per cent. advance upon prevailing rates of wages for labor, the results show no increase of cost over the prices formerly paid contractors for material delivered in place; and all the work and workmen being now in immediate control of the engineer-in-charge, he is made responsible for the success of his operations.

This system has been found to work well; no serious mishaps have occurred, and the work is done more cheaply than before, though, in part, this may be attributed to improvements in the method and experience in their application. Contrary to the prevailing impression, that faithful labor cannot be obtained from men directly employed by the Government, the amount of work done compares favorably with that accomplished by equal numbers working for a contractor. Faithful labor can be had under faithful overseers and foremen by any employer, and with unfaithfulness or inefficiency in the higher grades no employer can secure faithful service.

To carry on extended operations, such as are contemplated if this project meets the approval of Congress, it would not be practicable to do all the work directly by hired labor, on account of the extensive equipment that would be required at times, but which could not be fully employed at all times; besides, the burden and responsibility of making disbursements in small sums would be excessive. For the reasons stated, I would respectfully recommend that, under annual appropriations of $300,000 or less, the system now practiced, to do the work directly by hired labor, and purchase of materials in open market, including in the latter the privilege of purchasing material delivered in the work, when it is to the interest of the Government to do so, be continued. Under appropriations exceeding $300,000 the conduct of all critical and uncertain operations to be by hired labor, and material purchased as above; and the construction of works whose character is ascertainable to be let to contractors.

The plan required to carry out these recommendations, under yearly appropriations of $1,000,000, would consist of two tow-boats, two steam-launches, twenty barges, six pile-drivers, one Osgood dredge, and such small tools as would be required for quarrying and handling stone, and procuring other material employed. Of this plant there is now on hand, owned by the United States, one tow-boat, one steam-launch, sixteen barges, three pile-drivers, and a stock of tools proportionate to the present scale of operations.

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RECAPITULATION.

I briefly recapitulate the conclusions reached by the discussion, and which are the basis of my recommendations:

1. Improvement must not only be made, but maintained.

2. Temporary expedients fail to answer the requirements, for want of reliability.

3. Permanent improvements are known to be practicable by actual experience in the case of other rivers, similar in character, though of less size, and the practicability of executing permanent works in the Mississippi is demonstrated by works already constructed.

4. In an improvement the natural channel should be followed as a rule.

5. The rights of individuals and municipal or other corporations should be defined, and all proposed works subject to approval by United States authority, as is the case now with bridges.

6. The order of execution of work should be decided with a view to afford the earliest possible relief to navigation at difficult places.

7. Improvement of the channel can be best secured by bringing all the water into a single channel of moderate width; an early step would be the closure of secondary channels at islands and elsewhere; closing chutes will raise questions of jurisdiction between States, which should be provided for at an early date.

8. A combination of the appliances designed for temporary improvement with permanent works may be practicable, giving earlier results and at less expense. Estimates, however, are made upon the basis of improving by permanent works alone.

9. The estimated cost of improving the Mississippi, so as to afford six feet depth in the channel from the Illinois to Saint Louis, and eight feet from Saint Louis to the Ohio, is $3,159,200; and the estimate for such maintenance-works as can now be foreseen, is $4,000,000. The improvement division of the work can be completed in four years, and the appropriation of $1,000,000 is recommended for the first year.

10. A mixed system of conducting the work is recommended; critical and uncertain operations by the United States directly, and those whose character can be definitely ascertained in advance by contract.

11. The removal of wrecks and snags from the channel will remain as heretofore—an important part of the work of maintaining the channel. During the progress of the improvement the removal of many existing wrecks would be essential to success. These operations, not being under my charge, are not included in the estimate submitted, and the matter is not formally discussed in the body of my report.

Before closing I cannot omit mentioning the great obligations I am under for the very material aid I have received in the consideration of this report from my able assistants, Captain Charles J. Allen, Corps of Engineers, U. S. A., Robt. E. McMath, chief civil assistant, and Civil Assistant I. D. McKown, conducting the survey of the river from the mouth of the Illinois to the mouth of the Ohio Rivers, and his assistants, Samuel H. Yonge, D. M. Currie, Charles S. True, and S. E. McGregory, conducting the operations, respectively, at Devil's Island, Horsetail Bar, and Turkey Island, and Alton Slough, and the upper portion of Saint Louis Harbor. Every one of these gentlemen has contributed, from his intelligence, observation, and experience, to the results arrived at; and it is a matter of congratulation that all concur in the principles presented, and the plan of operations pursued and proposed.

I am also indebted to Mr. William Popp, civil assistant engineer and

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draughtsman, for the delineation of the maps submitted with the report.

The map accompanying this report is in four sheets:

1. Extending from the mouth of the Illinois to the mouth of the Missouri.
2. Extending from the mouth of the Missouri to Turkey Island.
3. Extending from Turkey Island to Cape Girardeau.
4. Extending from Cape Girardeau to the mouth of the Ohio.

All of which is respectfully submitted.

J. H. SIMPSON,
Colonel of Engineers, Bvt. Brig. Gen., U. S. A.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In obedience to law, a copy of the report of Maj. Wm. E. Merrill relative to the survey of and estimate for the extension of the Chesapeake and Ohio Canal from Cumberland, Md., to Pittsburgh, Pa.

FEBRUARY 12, 1875.—Referred to the Select Committee on Transportation-Routes to the Seaboard, and ordered to be printed.

WAR DEPARTMENT, *February* 9, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in further compliance with requirements of act of June 23, 1874, appropriating for surveys and estimates upon the four routes of transit indicated by the Senate Committee on Transportation-Routes to the Seaboard, copy of report of Maj. Wm. E. Merrill relative to survey and estimate for the extension of the Chesapeake and Ohio Canal from Cumberland, Md., to Pittsburgh, Pa.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 8, 1875.

SIR: In compliance with so much of the river and harbor act of June 23, 1874, appropriating for surveys and estimates upon the four routes of transit, indicated by the Senate Committee on Transportation-Routes to the Seaboard, as provides, in addition, for a survey and estimate for the extension of the Chesapeake and Ohio Canal from Cumberland, Md., to Pittsburgh, Pa., I herewith submit a copy of a preliminary report of Maj. Wm. E. Merrill, Corps of Engineers, showing the project and condition of this survey, it being found impracticable to complete the final estimates and plans from the results of last season's field-work, which left 17 miles of the canal-route and 24 miles of the river route still to be surveyed.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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SURVEYS FOR EXTENSION OF THE CHESAPEAKE AND OHIO CANAL FROM CUMBERLAND TO PITTSBURGH.—PRELIMINARY REPORT.

UNITED STATES ENGINEER'S OFFICE,
Cincinnati, Ohio, January 23, 1875.

GENERAL: It having been found impracticable to complete, before the middle or the close of February, the report on the surveys made during the summer and autumn of 1874 for the extension of the Chesapeake and Ohio Canal, from Cumberland to Pittsburgh, I directed Colonel Sedgwick, the assistant engineer in charge of this survey, to send in at once a preliminary report, in order that Congress might receive information of the progress of the survey in time to take such action as might be deemed advisable in regard to the completion of this work.

From this report it appears that the line of the canal has been definitely located from Cumberland to a point two miles north of Ohio Pyle Falls. The sum allotted for the survey was insufficient to carry the work beyond this point. The total distance surveyed was 78 miles, leaving 17 miles yet to be surveyed in order to reach Connellsville, at which place it is expected that the canal will terminate, and that the remainder of the line, to the mouth of the Youghiogheny, may be completed by slack-water navigation in the river itself. The lower portion of the river (from West Newton to its mouth, a distance of 19 miles) was surveyed, under my direction, in 1873 by Lieut. F. A. Mahan, engineeers. The distance between Connellsville and West Newton is 24 miles. There is, therefore, yet to be surveyed 17 miles of canal and 24 miles of river. The reason why the survey did not reach Connellsville was on account of the extraordinarily difficult nature of the line, made yet more complicated by the occupancy of the narrow valley by a railroad, built on the exact site originally chosen for the canal. The railroad fully doubles the difficulties in traversing the valley of Wills Creek.

The conclusion thus far reached is, that it is simply impossible to construct a canal of the usual type between Cumberland and the summit-level. This conclusion substantially holds for the route surveyed in 1873 by way of the North Branch of the Potomac and Savage Rivers. Whichever route be chosen for the canal, this portion of it must of necessity be wholly or partly built after the style so long in successful use on the Morris and Essex Canal; that is, the ascent of the heavier grades by inclined planes. On this canal, at places where the lift is so great that it would otherwise require many locks and short pools, the boats are taken on carriages, whose platforms are horizontal, but whose wheels are at different heights, conforming to the slope of the plane. These carriages are drawn up by water-power, obtained from a turbine placed at the lowest attainable position and supplied with water from the upper level. A dam is thrown across the end of the upper level in order to retain the water, and this dam must be ascended and descended by the carriages, thus adding to the total distance to be lifted. Where a single plane is used, the whole weight of boat and carriage must be lifted, and the total friction of all the machinery must be overcome. With a double plane there is a partial counterbalance. In both cases the work to be performed is variable, and necessitates a careful management of the power in order to avoid too slow a motion in one case or too rapid a one in the other. The change of grade at the summit is particularly disadvantageous, as at the commencement of the maneuver both carriages are rising out of the water.

To avoid these difficulties Colonel Sedgwick proposes to use double planes, and to transport the boats in caissons, in which they will be

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water-borne. By this means the ascending and descending carriages will always exactly counterbalance, and the power will only be used for overcoming the hurtful resistances. In addition, he proposes to avoid the crossing of the dam at the end of the upper level by using gates, and by so arranging the caissons that, by means of these gates in the caissons themselves, direct communication may be made between the water in the upper level and the water in the caisson. The boat will thus pass at once from the caisson into the upper level, and similarly into the lower one.

In this preliminary report of progress it is not necessary to discuss these planes in detail. It will suffice to state that whether caissons should be used or not will depend upon similar calculations as to the work to be done with or without their use. The system which promises the least expenditure of water, consistent with effectiveness in other particulars, will be the one that will be recommended for adoption.

I regret to state that the results of the present survey will yet leave the estimates incomplete. The work that will remain to be done will be as follows: 17 miles of canal survey, Ohio Pyle to Connellsville; 24 miles of river survey, Connellsville to West Newton; survey and estimate of summit-reservoir; survey and estimate of auxiliary reservoir near summit; gauging rivers and creeks; revision of special sections of former line.

The surveys and estimates for the main summit reservoir, the auxiliary reservoirs, the gauging of the streams, and the general question of water-supply, are matters that require special attention, as the practicability of the route depends upon the possibility of securing an adequate supply of water. I think that this can be done; but we have had no time as yet to make it a special study. It is quite evident that there will be no great surplus of water, and that the reservoirs will require to be of considerable magnitude.

The last item has been included because it is very desirable that some portions of the line, especially that part in the valley of Wills Creek, should receive a careful revision. This valley presents extraordinary difficulties, and a thorough revision of some of its worst sections is exceedingly desirable. From a careful personal examination I think that I can safely say that no canal has ever been built on a line presenting such formidable obstacles to be overcome as this Wills Creek division.

To accomplish the work marked out above, would require two parties under one chief. The first party should complete the survey from Ohio Pyle to West Newton. The second party should study the question of water-supply, and should revise the line in difficult places. * *

The chief of the whole survey should be employed continuously until the survey is finished, or ceases from lack of an appropriation. I therefore estimate his services one year.

It will take the first party about three months and a half to finish the field-work between Ohio Pyle and West Newton, and there will be about three months' office-work for the engineers of the party. The second party will require about four months for field-work and three months for office-work. A draughtsman will also be required at the office of the chief of the survey in compiling the general maps of the survey, and in making drawings of the locks, aqueducts, inclined planes, &c. This will probably occupy him for a year. The total estimate will be as follows:

Chief of survey, 12 months, at $300	$3,600
Draughtsman, 12 months, at $150	1,800
First party, 3½ months in field, at $1,465	5,128

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First party, 3 months in office, at $585	$1,755
Second party, 4 months in field, at $1.110	4,440
Second party, 3 months in office, at $435	1,305
Office-rent	500
	18,528
Contingencies, 8 per cent	1,472
Total sum required	20,000

Whether this canal route be adopted or not, I think that it is due to the important interests which desire it that a full report should be made as to its practicability. I therefore strongly recommend the grant of the sum herein requested, in order that our two years' investigation may be brought to a fitting close.

The detailed discussion of the line will be reserved for the final report on the surveys of 1874.

Respectfully submitted.

WM. E. MERRILL,
Major Engineers.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In obedience to law, a copy of the report of Maj. F. U. Farquhar, Corps of Engineers, upon the examination of sites for reservoirs at the headwaters of the Mississippi River.

FEBRUARY 16, 1875.—Referred to the Select Committee on Transportation-Routes to the Seaboard and ordered to be printed.

WAR DEPARTMENT, *February* 13, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in continuation of reports already submitted, copy of preliminary report of Maj. F. U. Farquhar, Corps of Engineers, upon the examination of sites for reservoirs at the headwaters of the Mississippi, which constitutes the second subdivision of the Mississippi route, recommended by the Senate Committee on Transportation-Routes to the Seaboard.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 12, 1875.

SIR: In continuation of reports already submitted, in compliance with the river and harbor act of June 23, 1874, of surveys and estimates for the improvements recommended by the Senate Committee on Transportation-Routes to the Seaboard, I beg leave herewith to transmit a copy of the preliminary report of Maj. F. U. Farquhar, Corps of Engineers, upon the examination of sites for reservoirs at the headwaters of the Mississippi, which constitutes the second subdivision of the committee's Mississippi route.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brig. Gen. and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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SECOND SUBDIVISION OF THE MISSISSIPPI TRANSPORTATION-ROUTE.

Preliminary report.

UNITED STATES ENGINEER OFFICE,
Saint Paul, Minn., February 4, 1875.

GENERAL: I have the honor to make the following preliminary report of the results of an examination of the sites for reservoirs at the headwaters of the Mississippi River.

This examination was made by a party under the charge of Assistant J. D. Skinner, who, notwithstanding the shortness of the season and the great difficulties of the ground, by his intelligent working and energy, was enabled to gather all the necessary data called for by Congress, and leaves no doubt that large reservoirs may be constructed which will retain the waters which prove often disastrous during freshets, and will furnish water at times when usually there is too little for navigation. It is to be regretted that no observations have been carried on to determine accurately the annual rain-fall in the region above, and discharge of the river at, Pokegama Falls. The nearest post at which any continuous records of rain and snow fall have been kept is Fort Ripley. It is believed, however, that the rain-fall above Pokegama Falls is in excess of that taken as the basis for the computations. The season was a favorable one for the survey, as there was an average low-water stage, and at no time, save a few days in October, was there any obstruction to navigation on the Mississippi River between Keokuk and Saint Paul. The steamboats made their trips without any great trouble.

The field-work consisted, 1st, in a tested line of levels, commencing at the mouth of Crow Wing River, running thence by road to Leech Lake, and thence to the other lakes, and down the Mississippi to place of commencement; 2d, meanders of the lakes and rivers, wherever the United States land-surveys had not been made; 3d, careful gaugings of the rivers; and, 4th, a transit-line along the river, and detail-survey of Pokegama Falls.

I.—DESCRIPTION OF COUNTRY AT HEADWATERS OF THE MISSISSIPPI RIVER.

The Mississippi has its sources near Lake Itasca, in Beltrami County, Minnesota.

From thence it flows northerly, and commences a great bend until it enters Cass Lake from the northwest, 135 miles* from Lake Itasca, in which distance it falls 173 feet.

The river runs through many small lakes, and its banks are generally wooded. Cass Lake is an irregular sheet of water 1,318 feet above the sea, and has an area of 31.6 square miles. The banks are from 10 to 20 feet high. From Cass Lake to Winnibigoshish Lake the distance is about 20 miles, and the river falls 10 feet. Lake Winnibigoshish is a round sheet of water, surrounded generally by high banks covered with timber. It has a surface-area of 78½ square miles. Just below its outlet the river flows between high banks only 1,000 feet apart—a very favorable location for a dam. About 2 miles below Winnibigoshish Lake the river widens out into Little Winnibigoshish Lake, which is about 1½ miles long and ¾ mile broad. From Little Winnibigoshish to the junction with Leech Lake River, the river flows through a broad savanna

* See Nicollet's report, House Doc. 25, second session Twenty-eighth Congress.

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from 1,000 to 5,000 feet wide, and is very tortuous. There are no obstructions to navigation, except 4 miles below the outlet of Little Winnibigoshish, where there are a few bowlders in the river between Winnibigoshish and Pokegama Falls. There is a fall 11.1 feet from the lake to the junction of Leech Lake River, a distance by river of 25 miles. From the junction to Pokegama Falls, a distance of 45 miles, the river falls only 13⅔ feet, and flows through high reeds and rice-fields in a most tortuous way. At White Oak Point the banks of the river separate to a width of more than two miles, and the space not filled by the current of the river is a vast reed-field. Leech Lake is an irregular sheet of water with a surface-area of 195 square miles. It lies just south of Cass and Winnibigoshish Lakes, and is separated from them by a ridge 30 feet high. Its outlet is the Leech Lake River, which connects it with the Mississippi.

The distance between Leech Lake and the Mississippi River is about 35 miles, and the fall 13.555 feet. The river is very tortuous, and flows back and forth between its banks through high reeds and rice-fields. About four miles above its mouth it widens out into a vast rice-field, called Mud Lake.

At Pokegama Falls the river falls over a ledge of sandstone. The stone is a metamorphic rock, (quartzite,) and seems well fitted for building-purposes. The fall here is 14 feet in a distance of 880 feet. About three miles above Pokegama Falls is the outlet of Pokegama Lake.

The water-surface of this lake is only 2.6 feet above the water-surface just above Pokegama Falls. The lake has a surface-area of 15⅔ square miles. The banks are generally high, except at the southeast end and where the dividing ridge between it and the Mississippi River is only 8 feet above the lake. This low place is about one mile long, and the ridge is of sand. Any break through this ridge would be disastrous, as the fall is 30 feet to the Mississippi in only three miles' distance. Twenty-five miles above Pokegama Falls the Vermillion River enters from the south. Just below its mouth the banks of the Mississippi River are high and close together, and makes a good place for a dam. The whole country in the vicinity of the Mississippi River and the above-described lakes is densely wooded with Norway pine, on the highest ground, and a large amount of sugar and hard maples, birch, and poplar.

These ridges traverse great tamarac-swamps and quaking bogs. The soil is generally sandy, but clay here and there crops out in the banks, and undoubtedly underlies a great part of the basin.

II.—SITES FOR RESERVOIRS.

In considering the sites for reservoirs, I will commence at Pokegama Falls and consider the several available ones in their order, proceeding up stream.

1. *Pokegama Falls.*—The height to which a dam may be built at Pokegama Falls is regulated by that of the water shed between its tributaries and the Mississippi below it. On examining the general map of the country, (sheet 2 of the accompanying drawings,) it will be seen that the lowness of the dividing ridge at the southeast end of Pokegama Lake will prevent any high dam from being built at Pokegama Falls.

Assistant Skinner reports that—

Pokegama Lake has a surface-area of fifteen and two-third square miles. It is mostly surrounded by high land, from 25 to 150 feet in height, but at the southeast extremity of the eastern arm of the lake there is a depression of about one mile in length, which is but 8 feet above the level of the lake. It is the dividing ridge between the waters tributary to Pokegama Lake and those running eastward into the

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Mississippi, and is but 250 feet in width where the water-line of the lake would be if raised 6 feet. The small lake (marked *b* on sheet 2, accompanying tracing) is 6 feet above Pokegama Lake. There is no bank between it and the latter, which is distant from it about 500 feet. On the eastern bank of this lake the ridge spoken of rises 2 feet, continues at this elevation, or nearly so, for 250 feet, and then falls into a lake 800 feet wide and only 2½ feet above Pokegama, and 3½ feet below the small lake.

The waters of this lake flow eastward into the Mississippi. The soil is loose and sandy, and there is no evidence of any rock in place near that locality. Immediately on the east side of the ridge are marshes, through which streams flow directly into the Mississippi at the point marked *c* on tracing.

It would not be prudent, without a long dam, on this ridge, extending to the high land on either side, to raise the lake more than 6 feet above its level of this autumn, as, in case of unusually high water, there might be risk of its finding its way across the ridge, and, once started, it would soon wear away the loose soil, form a new river, and partially drain Pokegama Lake.

A dam raising the water at Pokegama Falls 7 feet would flow backwater over an area of 23.61 square miles, with an average depth of $5\frac{1}{10}$ feet.

2. The first place above Pokegama Falls at which it is practicable to dam the Mississippi for constructing a reservoir is just below the mouth of the Vermillion River. Here the banks are from 15 to 20 feet high, and approach each other to a distance of 850 feet. A dam at this point raising the water about 10 feet would form a large reservoir, backing the water over the extensive marshes near White Oak Point and into Ball-Club Lake. This would give a reservoir of about thirty-four and a half square miles with an average depth of 6 feet.

3. A dam just below Mud Lake, on the Leech Lake River, could be built that would raise the waters of Mud Lake 6 feet over a surface-area of seventeen and a fourth square miles.

4. *Leech Lake.*—This lake has a surface-area of 194.4 square miles. Its outlet is very difficult to dam favorably or economically, 4,000 feet being the shortest distance between the high banks at any desirable point.

At the point marked *e*, a dam might be built that would raise the surface of the lake 6 feet were it necessary, but the scarcity of the supply for so large an area renders the raising of its surface more than 5 feet useless, as will afterward appear.

5. *Cass and Winnibigoshish Lakes.*—The latter lake has a surface-area of seventy-eight and a half square miles. It can be readily raised 10 feet above its ordinary level by a dam at its outlet. The fall from Cass Lake to this is 10 feet, so that the water would in fact be backed up into the former. No dam will be necessary at Cass Lake, as the lower lake can retain all its discharge. The location for a dam is favorable, the banks being high on either side, and not more than 1,000 feet apart.

Area of water-sheds of affluents of Mississippi River above the Falls of Saint Anthony.

Name of basins:	Area in square miles.
Mississippi River, above outlet of Winnibigoshish Lake	1,892
Leech Lake, above its outlet	1,001
Mississippi River, between Pokegama Falls and outlets of Leech and Winnibigoshish Lakes	773
Prairie River and left bank of the Mississippi River to Wild Swan River	365
Wild Swan River	477
Left bank of Mississippi River to mouth of Sandy Lake River	78
Right bank of Mississippi River from Pokegama Falls to Willow River	166
Sandy Lake	502
Left bank of Mississippi River and Rice River	360
Willow River	549
Right bank of Mississippi River to Pine River	154
Pine River	78[illegible]

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Name of basins—Continued.	Area in square miles.
Right bank Mississippi River to Crow Wing	144
Left bank to a point opposite mouth of Crow Wing River	481
Crow Wing River	3,562
Left bank of Mississippi River, opposite Crow Wing, to Fort Ripley	157
Left bank, opposite Fort Ripley, to Platte River	102
Platte River	401
Little Rock River, and left bank of Mississippi River, to Sauk Rapids	121
Little Elk, and right bank of Mississippi River, to Swan River	223
Swan River	182
Swan River to Sauk River	414
Sauk River	981
Right bank of Mississippi River, from Saint Cloud to Crow River, including Clearwater River	434
Left bank, from Sauk Rapids to Elk River	55
Elk River	630
Crow River	2,961
Rum River	1,542
Right bank of Mississippi River, from Crow River to Saint Anthony's Falls	155
Coon and Rice Rivers	254
Total amount	19,903

III.—AMOUNT OF WATER TO BE RETAINED BY THE ABOVE-DESCRIBED RESERVOIRS.

The data for the calculation of the rain-fall are based on the average of the observed rain-fall, for sixteen years, made at Fort Ripley. This average amount is 25 inches per year. The observed rain-fall and snow-fall, for 1874, amounted to about 35 inches. From the gaugings of the Mississippi River at Sauk Rapids, and by means of comparison with the gauge at Saint Paul, it was ascertained that 41 per cent. of the computed rain-fall, over the water-shed above Sauk Rapids, was discharged at that point. In the absence of more extended observations, it may safely be assumed that there passes over Pokegama Falls at least 33 per cent. of the entire rain-fall over the area above it. The reservoirs and their water-supply are as follows:

1. *Lake Winnibigoshish.*—This lake has a water-shed of 52,746,019,920 square feet. One-third of the rain-fall would give a volume of 36,629,180,500 cubic feet. A dam would be required here not less than 14 feet high.

2. *Leech Lake.*—This lake has a total water-shed of 27,906,278,400 square feet. Taking 8⅓ inches as the depth of water that can be gathered in and discharged annually from this water-shed, we would have a supply of 19,379,359,983 cubic feet. This would require a dam of not less than 4 feet above the present level of the lake.

3. *Mud Lake.*—We have here a gathering-ground of 4,460,544,000 square feet, which would furnish 3,097,600,000 cubic feet of water. To hold this would require a dam at least 6 feet above the level of the lake.

4. *Vermillion River.*—Area of water-shed, 12,071,346,800 square feet; amount of available rain-fall, 8,382,879,722 cubic feet, which would require a dam at least 10 feet high.

5. *Pokegama Falls.*—Area of water-shed, 4,990,223,600 square feet; amount of available rain-fall, 3,465,433,052 cubic feet. Now the highest that the water can be raised at Pokegama Falls above the level of last October is 7 feet. This would create a reservoir of 3,886,290,794 cubic feet capacity. Total amount of water-shed above Pokegama Falls,

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3,365 square miles; total assumed quantity of rain-fall available, 70,954,453,257 cubic feet.

The Sandy Lake, Pine River, Gull Lake, and Mille Lacs regions were also visited for the purpose of determining their values as holding-grounds for surplus water.

6. *Sandy Lake.*—Sandy Lake is a very irregular sheet of water, surrounded for the most part by sand-dunes. Its outlet is very broad, and would make the erection of a dam very costly, as the water would undoubtedly sweep through the sand-banks if the surface of the lake was raised. The Sandy Lake River, its outlet, is a very tortuous stream at low water. The high water is due to the high water of the Mississippi River, which backs the water up into Sandy Lake.

7. A good storage-ground for water was found on the Pine River, (see detail-map No. 3.) Pine River runs through a series of connecting lakes. Just below Cross Lake there is a good place to build a dam. The water-shed above the outlet of Cross Lake has an area of 551 square miles. Estimating the annual rain-fall at 25 inches, and that 8⅓ can be relied upon, there will result a total discharge per year of 10,752,698,880 cubic feet. The banks of the lakes are generally high, and have a surface-area of 491,301,043 square feet. If it were desirable to hold all the above water, it would require a dam 24 feet high, but from present information it would not be practicable to construct so high a dam. An additional dam at the mouth of White Fish Lake might be constructed, 20 feet high, and the other at the outlet of Cross Lake, 12 feet high. The latter dam would create a reservoir of 4,913,000,000 cubic feet capacity, which, during the low-water season of the Mississippi River, August, September, and October, would furnish 630 cubic feet per second.

8. The system of lakes, of which Gull Lake is their center, (see detail-map No. 2,) and which discharge their waters into the Crow Wing River, through the Gull Lake River, forms an excellent storage for water.

The discharge of Gull Lake River was, on the 10th of November last, 330 feet per second. The area of the water-shed of the Gull River, above the outlet of Gull Lake, is 7,582,924,800 square feet, and assuming that one-third of the annual rain-fall can be collected in the reservoirs and discharged therefrom, we would have 5,265,920,000 cubic feet. The area of Gull and adjacent lakes that can be used for storage purposes is 501,841,200 square feet, on which the water can be stored for an average depth of 10 feet, and 223,027,200 square feet, on which an average depth of 5 feet can be stored, giving a total capacity of 6,133,548,000 cubic feet. A dam 12 feet high can be easily constructed to obtain the above capacity of reservoir.

9. *Mille Lacs.*—This is a large lake, of 198 square miles in area. (See detail-map No. 4.) It is the source of Rum River, which enters the Mississippi River at Anoka.

There is a good location for a dam at its outlet. Area of water-shed, 12,405,888,000 square feet; quantity of water, 8,684,121,600 cubic feet. Supposing that this whole amount could be stored, it would only raise the lake 1.3 feet.

The lumbermen have, from time to time, built temporary dams to aid them in getting a head of water, which, when the dam was broken away, would carry their logs down the Rum River to the Mississippi.

There may be some points on the Prairie Deer Lake and Crow Wing Rivers that might be available for storing water.

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To make a recapitulation of the above reservoirs—

Reservoir.	Area of water-shed.	Total water.
	Square miles.	*Cubic feet.*
Winnibigoshish Lake	1,892	36,629,180,500
Leech Lake	1,001	19,379,359,983
Mud Lake	161	3,097,600,000
Vermillion River	432	8,382,879,722
Pokegama Falls	179	3,465,433,052
Total above Pokegama	3,665	70,954,453,257
Pine River	551	10,667,353,750
Gull Lake	272	5,265,920,000
Mille Lacs	444	8,684,121,600
Total	4,932	95,571,848,607

For purposes of navigation between Pokegama Falls and the mouth of the Prairie River, there is required 2,474 cubic feet per second from May 1 to December 1, or for 214 days, which will require a reduction of the above amount of water by 45,743,270,400 cubic feet, leaving available for distribution at times of low water, 49,828,577,907 cubic feet.

Now there is a good stage of water on the Upper Mississippi River to Saint Paul, when the amount of water passing Saint Paul is 12,000 cubic feet per second.

The extreme low-water flow of the Minnesota River is 800 feet per second. The low-water flow at the Falls of Saint Anthony during 1874, exclusive of the low-water flows from the country above described as gathering-grounds for reservoirs, was 26 per cent. of the mean flow due to the entire rain-fall. As this percentage would not change very much, we may compute the low-water flow at Saint Paul to 800 cubic feet + (26 per cent. of 27,547*) + 2,500 cubic feet to be uniformly discharged over Pokegama Falls = 10,462 cubic feet per second. Now this low water never obtains before July 1, generally not before August 15; so supposing that the low water continues from July 1 to December 1, or 153 days, it would only require a total of 20,331,129,600 cubic feet additional to be discharged from the reservoirs, not one-half of the above storage. The mean annual rain-fall, 25 inches, is, I think, quite small.

The following are the observed rain-falls at Fort Ripley for the past three years:

1871	34.02 inches.
1872	36.09 inches.
1873	40.78 inches.
1874, United States signal, Saint Paul	35.00 inches.

The reservoirs should be, if possible, large enough to hold two seasons' water, for should there be a succession of high-water years, they are likely to be followed by one or more low-water years, and then the reservoirs will come into play. Further explorations at the headwaters of the Prairie, Willow, and Crow Wing Rivers may develop good sites for storing water. The Pokegama Falls reservoirs may be supple-

* Low-water flow for 25 inches of rain-fall.

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mented by a dam at the outlet of Bass Lake, should a favorable site be found, and it is possible that a large reservoir can be created by damming the outlet of Deer Lake.

IV.—CHARACTER OF CONSTRUCTION FOR DAMS.

Except at Pokegama Falls, where a masonry-dam can be constructed, the proposed dams will be built of timber and earth. The conditions to be observed in their construction are, 1st, that the apertures at low water shall be equal to the low-water section of the river, so that the reservoirs can be drained as low as possible; 2d, that the dams shall be as high as the adjacent banks, and dividing ridges between the proposed reservoirs and the river below, will permit of; 3d, that where dams cannot be built high enough to retain more than the highest stage of water, a sufficient weir be made to make the dam safe; and, 4th, that the dams should be strong enough to resist any presumable pressure, and compact enough to prevent any possibility of percolation.

From the showing of clay in the river-banks, it is hoped that it may be found underlying the sites of the proposed dams. If it is, the mode of constructing the dams will be to drive two lines of sheet-piling the entire length of the dam, reaching down to the clay; after they are driven, to dredge out the material between them until the clay is reached, and then to fill up with a clay-puddle to the wood-work, and up to the top of the earth embankment, when one is used. The lower slopes of the embankments to be 1 to 1, and the upper, 2 to 1; the wood-work to rest on a grillage which rests on piles. It will consist of a floor of 12 by 12 inch timber, resting on the grillage, and extending from above the piers to 20 feet below them. On this floor will be the piers, the intervals between them forming the sluices through which the water will be discharged. The piers will be built of 12 by 12 inch timber, and will be 6 by 12 feet at top; the upper slope being 1 to 1, with an angle on the upper face to break ice, and the sides and lower ends perpendicular. The piers will be filled with stone or earth. They will be placed 10 feet apart on the flooring, and well bolted to it. They will be connected with a crowning-piece, which will form the weir. Between the piers will be gates sliding up and down, which will be operated from a bridge supported by the piers.

There has been no time to work out all the details of these dams.

At Pokegama Falls it is proposed to put in a needle-dam, on the left chute, at the head of the falls, and a solid masonry-weir over the other. (See detail-map.) By blasting out the head of the ledge, a greater aperture of discharge can be gained. Assistant Skinner reports the following estimates of the cost of the proposed dams, supposing them to be of timber:

Winnibigoshish Lake, 1,000 feet long	$59,969 50
Leech Lake, 4,000 feet long	177,555 64
Mud Lake, 600 feet long	31,737 20
Vermillion River, 850 feet long	56,245 20
Pine River, 592 feet long	32,386 20
Gull River, 442 feet long	25,786 20
Mille Lacs, 600 feet long	29,537 20
Pokegama Falls, (masonry and needle dam)	75,334 00
Total	488,551 40

I think that this estimate is large, and that further examination of the sites of the dams will materially diminish it. Of course, the selection

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of the sites could only be made after the maps were finished, and borings and minute surveys must still be made. The estimates for these surveys are contained in my letter of January 30; besides which some extended observations as to quantities of water falling and discharged should be made at and above Pokegama Falls.

This report is made hastily, the maps and computations having only been finished a few days. I forward by express, to-day, to your address, a package containing six tracings, showing the results of the last season's work, and one map showing the water-sheds of the several affluents of the Mississippi River above the Falls of Saint Anthony.

Very respectfully, your obedient servant,

F. U. FARQUHAR,
Major, United States Engineers.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers U. S. A.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In obedience to law, a copy of the report of Maj. F. U. Farquhar, of the survey of a part of the third subdivision of the Mississippi route.

FEBRUARY 19, 1875.—Referred to the Select Committee on Transportation Routes to the Seaboard and ordered to be printed.

WAR DEPARTMENT, *February* 18, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in further compliance with provisions of river and harbor act of June 23, 1874, copy of report of Maj. F. U. Farquhar, which embraces a part of the third subdivision of the Mississippi route, recommended by the Senate Committee on Transportation Routes to the Seaboard.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 17, 1875.

SIR: In further compliance with provisions of the river and harbor act of June 23, 1874, for surveys and estimates for the improvements recommended by the Senate Committee on Transportation Routes to the Seaboard, I beg leave herewith to transmit a copy of the report of Maj. F. U. Farquhar, Corps of Engineers, of the result of an examination and survey of the Mississippi River from Pokegama Falls to the Falls of Saint Anthony, to determine the cost of improving the river so as to give from 3 to 5 feet navigation above the Falls of Saint Anthony at the lowest stages of water, which embraces a part of the committee's *third subdivision of the Mississippi route.*

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brig. Gen. and Chief of Engineers.

Hon. WM. W. BELKNAP,
Secretary of War.

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PART I.—THIRD SUBDIVISION MISSISSIPPI TRANSPORTATION ROUTE.

UNITED STATES ENGINEER OFFICE,
Saint Paul, Minn., February 8, 1875.

GENERAL: I have the honor to make the following report of the results of an examination and survey of the Mississippi River, from Pokegama Falls to the Falls of Saint Anthony, made with a view to determine the cost of improving the same, "so as to give from three to five feet navigation above the Falls of Saint Anthony, at the lowest stages of water." (See page 243, part 1st, Report 307, Senate Doc., 1st session 43d Congress.)

The three parties making the surveys were under the charge of Assistants J. D. Skinner, A. E. Stevens, and L. G. Schermerhorn. The first-named making the examination between Pokegama Falls and mouth of Mud River; the second, a survey from mouth of Mud River to mouth of Sauk River; and the third, from mouth of Sauk River to the Falls of Saint Anthony. Want of funds prevented a survey above Mud River, but Assistant Skinner made special surveys at every obstruction reported by river pilots. At the time (September 22 and 23) I passed over this part of the river, it was hard to recognize the so-called rapids, as there was a good stage of water over them, and the only steamer plying between Mud River and Grand Rapids made her trips without trouble until the close of navigation.

REPORT.

I.—DESCRIPTION OF RIVER FROM POKEGAMA FALLS TO FALLS OF SAINT ANTHONY.

The Mississippi River, below Pokegama Falls, has very different characteristics from those obtaining above. The banks are higher, marshes less frequent, and a true valley exists. The immediate valley is quite narrow, and bounded by hills until the flat region in which Sandy Lake is situated is reached. The river is confined within its banks, except at extreme high water. The bottom-lands between the valley's sides are covered with a dense growth of elm, ash, basswood, birch, and spruce, while the high lands generally bear white and Norway pines. The average fall of the river, from Pokegama Falls to Mud River, is about six inches per mile. The river is very crooked, and, as will be seen by the accompanying tracing, there are several places where the folds of the river approach very near each other. The most remarkable is where a portage of just 30 feet saves nearly three miles of canoe-travel by the river. At one place, called the Cut-off, the river has but recently broken through, and the channel through the neck is quite deep and passable for steamboats. The lost channels are called by the river-men and Indians "logans," (lagoons.) The banks of the river, whenever it impinges against the valley's sides, are of clay and gravel overlaid with sand or loam.

The principal tributary streams between Pokegama Falls and Mud River, are the Prairie, Wild, Swan, Sandy Lake, Rice, and Mud Rivers, from the east, and Split Hand and Willow Rivers from the west

Assistant Skinner reports the following obstructions to navigation between the foot of Pokegama Falls and mouth of Mud River, viz:

1. *Grand Rapids*, three and one-half miles below Pokegama Falls; here the river falls over a bowlder slope 5 feet in 1,750 feet; there is no rock in place, (see Detail Map No. 21 *u*).

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2. *Pine Rapids*, section 12, township 51, range 24, (see detail map No. 21*m*,) gravel and bowlder bar; fall, 0.45 in 600 feet.

3. *Crooked Rapids*, section 22, township 51, range 24, (see detail map No. 21 m,) gravel and bowlder bar; fall, 0.43 in 500 feet.

4. *Ox Portage Rapids*, section 2, township 50, range 24, (see detail map No. 21*m*,) a succession of gravel and bowlder reefs; fall, 0.6 in 290 feet.

5. *Sandy Lake Rapids*, section 24, township 50, range 24, (see detail map No. 21*l*,) bowlder reef; fall, 0.6 in 900 feet.

6. *Moose Rapids*, section 23, township 49, range 25, (see detail map No. 31 l,) two bowlder reefs, 600 feet apart, extending from opposite banks of river; fall, 0.6 in 1,000 feet.

7. *Island Rapids*, section 15, township 48, range 26, (see detail map No. 21*l*,) wide shallow river flowing over bottom covered with bowlders; very slight fall, only 0.44 feet in 1,586 feet.

8. *Large bowlders* in bed of river at places marked A, B, C, D on general map No. 21, amounting to about 14 cubic yards in all.

9. As the river will very likely soon cut through at the point marked E on tracing No. 21, Assistant Skinner recommends that a channel be dredged through it at once, to prevent the obstruction to navigation that will exist until the river-channel is entirely made through the neck.

10. *Snags.*—There are thirty-two snags to be removed between Grand Rapids and Mud Lake, and many overhanging trees.

From Rice River to sixteen miles below mouth of Mud River the Mississippi is a sluggish and tortuous stream, flowing through low, marshy ground. The river has a good channel of more than 10 feet deep. The immediate banks are about 12 feet high, on which there is a thick growth of soft-wood trees, while the adjacent country, back from the river, is filled with small lakes, tamarack-swamps, and quaking-bogs.

The river is about 200 feet wide, with water slightly colored, and with a bottom of mud or sand. The fall of the river from Rice River to Pine Knoll is at the rate of 0.24 foot per mile. At Pine Knoll, sixteen miles below Mud River, the character of the river and country adjacent changes. The river becomes more rapid and wider. The sandy bluffs here appear from 20 to 60 feet in height, covered with a growth of small pines and bushes, the more valuable pine having been entirely cut off. A large portion of this country has been scourged with the annual fires. On the bluffs are seen a few granite bowlders.

From Pine Knoll* to Towhead Rapids,† the slope of the river for nine and a half miles is ½ foot per mile. At Towhead Rapids the fall is, in 650 feet, .38 foot. From the fort of Towhead Rapids, for eleven miles, the slope is 0.86 foot per mile. Here the Pine River comes in from the north. The general course of the Mississippi has been from Mud River to this point almost due west. It now takes a sharp turn to south by east. The Pine River is a rapid stream, which discharged, at the low water of 1874, 782 cubic feet per second.

It has a water-shed of seven hundred and eighty-eight square miles in area. From the mouth of Pine River, for nine miles, to the head of Big Eddy Rapids, the average slope is 0.80 foot per mile. The adjacent country is much more broken, especially on the right bank. There are many springs issuing from the foot of the banks, which are strongly impregnated with iron. Big Eddy Rapids‡ occur in a straight part of the river. The right bank is 30 feet high, and the left bank 12 feet high the river is narrow and deep; the slope is only 5.15 per mile for half a mile.

*See Tracing No. 20. †See Tracing No. 19. ‡See Tracing No. 18.

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Except for a few bowlders, there is a good channel over these rapids of at least 6 feet of water; at the foot of the rapids is the Big Eddy.* The river here widens to 730 feet, and the water is very shallow. One and a half miles below Big Eddy are Island Rapids.* On these rapids the channel is only 3 feet deep for a distance of 3,000 feet. The slope, for the first 800 feet, is 4.62 per mile. At the foot of these rapids the Rabbit River comes in from the east.

Six hundred and twenty-two miles below Island Rapids are French Rapids;† here the river is straight and narrow, flowing between high bluffs. The channel across them is from 6 to 10 feet deep. The slope for 1,000 feet is 7.4 feet per mile, and for 3,100 feet 5½ feet per mile. Below the rapids is shallow water. Three-fourths of a mile below French Rapids is French Bar,† where, for 500 feet, the slope is 10 feet per mile, and the river broad and shallow. Three and one-third miles below French Bar is Brainerd,‡ at which place the Northern Pacific Railroad crosses the river. The distance from Mud River to Brainerd by railroad is twenty-seven miles, by river fifty-five and one-fourth. The elevation of the low water of 1874 at Brainerd was 1,169$\frac{60}{100}$ feet above the sea. From above Brainerd to Crow Wing § the river is navigable at low water, there being plenty of depth in the channel, and the slope being only 0.87 foot per mile. The river flows through high banks of sand covered with Norway white and jack pines; the country becomes more open as we leave Brainerd, some prairie approaching the river. Sixteen and a half miles below Brainerd the Crow Wing River enters from the west. It is the largest affluent of the Mississippi above the Falls of Saint Anthony; it drains a country of 3,562 square miles in extent. At the time of low water of 1874, its discharge per second was 2,699 cubic feet.

Just above the island, dividing it at its mouth, it was 250 feet wide. Its waters are very clear, and make a strong contrast with those of the Mississippi, and they do not fairly mingle for a distance of about four miles below their junction. The low-water discharge of 1874, of the Mississippi, three and three-fourths miles below the Crow Wing, was 7,099 cubic feet per second. From Crow Wing to Fort Ripley,‖ nine miles, the river has a slope of 0.8 foot per mile. Fort Ripley is on a bluff 20 feet high on the right bank of the river, nearly opposite the Nokaysippi.

From Fort Ripley to Fort Anthony there is a notable difference in the amount of timber and height of bluffs on the two banks of the river, the west bank being the lowest, with the most timber, until we reach Sauk Rapids, while below Sauk Rapids the west bank is the highest as well as the most timbered. From Fort Ripley to Saint Cloud the river is a series of rapids, the intervening pools having also steep slopes. Two and a half miles below the fort is Olmsted's Bar, (see Tracing No. 14.) Here is seen rock in place for the first time below Pokegama Falls. The river is broad and shallow, with a slope of 4¾ feet per mile. The rock is a trap-dike, and extends 300 feet from the west bank into the stream. From the head of Olmsted's Bar, for four miles the average slope is 4$\frac{14}{100}$ feet per mile. In this distance there are fifteen islands, all heavily timbered, which are overflowed at high water. Of the 4 miles there are 1¼ miles with less than three feet of water in the channel. Below the bar the water continues rapid, the average fall being 2.48 feet per mile. Nine miles below Fort Ripley (see Tracing No. 13*k*) are

* See Tracing No. 18. † See Tracing No. 17. ‡ See Tracing No. 16. § See Tracing No. 15. ‖ See Tracing No. 14.

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Conradi's Shoals. Just above them, for a distance of two miles, the slope of the river is only .93 foot per mile. The bar is formed by the river widening out over a coarse gravel-bank, the depth of water in the channel being only two feet. The fall of the river in 1,500 feet is 4.74 feet, or 16.68 feet per mile. From this bar to Little Elk Rapids is 2.1 miles, (see Map No. 13*k*.) Here the bed of the stream is rock in place. The river now fairly enters its passage across the outcrop of the great dike of crystalline rocks, its exit from which is just below Saint Cloud. By river this distance is 61¼ miles. Generally speaking, the rock does not show much above the water on either bank, being for the most part covered with drift.

Prof. David Dale Owen, on pages 165 and 167 of his report to the Commissioner of the General Land-Office of the results of his geological survey of Wisconsin, Iowa, and Minnesota, 1851, gives the following very interesting account of all the rocks crossed by the river between Saint Cloud and Fort Ripley:

The rocks of this locality are of a character such as have yielded valuable ores in some regions of the old world; but their elevation is but little above high water, and, except over limited tracts, they are entirely hidden from view by deep deposits of drift.

Seven to eight miles above Sauk Rapids, a short distance below Little Rock, is a higher exposure of crystalline rocks. A ridge of hornblende and syenitic greenstone, with veins of granite, bearing north 70° to 80° east, rises on the east side of the Mississippi to the height of 30 to 40 feet; and a short distance farther back even to the height of 60 to 70 feet.

About a mile and a half above Little Rock, a tough, close-grained hornblende rock appears on both sides of the Mississippi *in situ*, elevated from 2 to 4 feet above the water-level, and overlaid by sand and gravel; similar rocks appear at intervals between Little Rock and Knife Rapids, (now called Pike Rapids.) From the occurrence of superficial crusts, in pools of water collected in the hollows of these rocks, it is evident that oxide of iron enters largely into their composition, and exists in a state easily acted upon by the water.

Five or six miles above the mouth of Swan River, on the Mississippi, is an interesting exposure of gray-colored mica-slate, charged with large crystals of staurotide. The surfaces of the crystals are, however, rather rough, which impairs their beauty as cabinet specimens. This rock is exposed at intervals for three or four miles.

This mica-slate is succeeded still higher up on the Mississippi by magnesian slates associated with a tough, close-grained, hornblendic rock. The best exposure of these is on the rapids four miles above the mouth of Elk River of Nicollet, where they have a bearing of north 20° east, and in either nearly vertical or with a dip of 75° to 80° to the southwest. The slate has quartz-veins running through it. There is, however, but little opportunity to investigate its mineral character, for the banks of the river are quite low, only 12 to 15 feet above the water at the highest points, and 8 to 10 of this is soil and drifted materials.

This is the last locality where I observed any rock in place on the Upper Mississippi.

The fall at Elk Rapids is 7.2 feet in 5,100 feet. The steepest slope is 15½ feet per mile for a distance of 500 feet. From the foot of Elk Rapids to Little Falls, the slope for 1.8 miles is 3.17 feet per mile. This part of the river is filled with bowlders.

At Little Falls (see Tracing No. 13*k*) the stream is divided by Mill Island, and there is a fall of 5.03 feet in 1,800 feet; but there is one part in which the fall is 0.67 foot in 100 feet, and another in which the fall is 1.59 feet in 30 feet. The river runs over slate-rock having a dip of 80° to the north, and a direction of north 80 east. On the right bank the rock rises above the water for half a mile, and is from 2 to 20 feet high. On Mill Island it is 15 feet above the water, and on the left bank it shows for 1,000 feet, but is only seen for 300 feet from the river.

From Little Falls to Pike Rapids, 4.7 miles, the river has an average slope of 3.40 feet per mile, the first three miles having a slope of 4.20 feet per mile.

At Pike Rapids (see Tracing No. 12*j*) the river flows over a bed of

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gray colored mica slate, which does not rise above the water on either bank. Here commences a series of rapid and rocky places extending for 6.7 miles, the average slope being 5.43 feet per mile, the maximum being 25.37 feet per mile for a distance of 350 feet at Pike Rapids.

Two miles below Pike Rapids is Cash's Bar, (see Tracing 12*j*,) where the river is only 2 feet deep, and flows over bowlders. Three thousand three hundred feet below Cash's Bar are Cash's Rips, where the river flows over rock in place with a slope of 7½ feet per mile. Then there is a slope of 4.01 feet per mile to McDougall's Rips, (see Tracing 11 and 12*i*.) One-fourth of a mile farther down stream are McDougall's Rips, where the river flows over rock in place with a slope of 17.42 feet per mile for 850 feet.

The rock shows in both banks and rises above the water in the middle of the stream, forming a small island. (See Tracing No. 11 and 12*i*.)

Between McDougall's and Blanchard's Rips, a distance of 0.9 miles, the slope is 5.7 feet per mile, with a maximum of 12.16 feet per mile for 350 feet.

At Blanchard's Rips the river falls over a rocky bed 1.80 feet in 1,356 feet. (See Tracing Nos. 11 and 12*i*.)

Between Blanchard's Rips and McDougall's Eddy, a distance of 1.7 miles, the slope is 3.97 feet per mile, with a good channel except in one place. Below McDougall's Eddy there is good water for 20.8 miles, with an average slope of 1½ feet per mile. In this distance the affluents of any importance are the Two Rivers and the Platte Rivers, both coming in from the east. The latter drains a water-shed of 110 square miles; it extends into the pine regions, and is much used by lumbermen. One and eight tenths miles above the Little Rock Creek, rock in place appears. It is a tough, close-grained hornblende. Half a mile below the same creek, on the left bank, is a ridge of syenitic greenstone, rising 30 feet above the river.

The country on the left bank, between Little Rock and Watab, is very rough, being broken up by irregular mounds of greenstone with granite veins.

Watab Rapids (see Tracing No. 9) are formed by the river falling over a rocky bed 2 feet in 800 feet.

From the foot of the rapids to Sauk Rapids, a distance of four miles, the average slope is 2.51 feet per mile, with a maximum of 5.81 feet per mile for a distance of 1,525 feet.

The low-water discharge (1874) at just above the mouth of Sauk River was 9,202 cubic feet per second.

At Sauk Rapids (see Tracings Nos. 8 and 8*h*) the river, passing over a rocky bed, falls 17 feet in 4,000 feet. There is no well-defined channel for this distance. For nearly three miles the river-banks are, on both sides, 60 feet high, but grow lower just below Saint Cloud.

Assistant Schermerhorn makes the following report on the physical characteristics of the Mississippi between Sauk Rapids and the Falls of Saint Anthony: (See Tracings Nos. 1 to 8.)

The river-bed rests in an eroded valley, seldom exceeding one mile in breadth, and frequently reduced to a little more than the width of the river.

A cross-section of the valley generally shows a terraced bench from twenty to thirty feet above the river, intermediate in elevation between the river-banks and the table-lands. The river-bed inclines to the right of the valley center line, making the western slope more precipitous than the eastern.

Bottom-lands are almost entirely wanting. Rock in place is found at Sauk Rapids, and forms the bed of the river for a distance of two thousand feet; disappearing from the surface it again rises over very limited areas—at the head of the so-called Thousand Islands.

The formation is syenitic granite of gray and gray-pink color. It is of even texture and is used in the construction of the custom-house and post-office at Saint Paul.

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Rock in place is next seen at a point three miles above the Falls of Saint Anthony, where it occurs as Saint Peter sandstone. Disappearing it again crops out at the head of Nicollet Island with Trenton limestone superimposed. In this position it forms the bed and banks of the river at the Falls of Saint Anthony.

The river-banks are strongly defined, retaining floods entirely within their lines.

At a few points the river flows at the foot of loose sand and gravel slopes which rise from the water-surface to the table-lands. At such points the river slowly but continually encroaches upon the shore-line, producing an increasing width and decre asing depth of river section. With these exceptions the banks are exceedingly stable and carry an unchanging shore-line.

Islands are of frequent occurrence. In the upper part of the river they are found in groups of from three to five, but in the lower they are generally single and of increased area. They have originated from sand-bars and segregation from main-land. The former are seen in all stages of growth, but no indications were found of the latter in process of formation. Further confirmation of the not recent orgin of islands from the main-lands is found in the difference of tree-growth, the islands being covered with elm, linden, and maple, the main-lands with oak.

Cut-offs, except in a single case, were not found; hence the disturbance of the shore-line by the formation of shutes or cut-offs is not to be apprehended. The islands at times of freshets are submerged, but the dense trees and undergrowth protect them from erosion.

The river-bed, except in the vicinity of islands, is composed of very coarse drift, varying in size from pebbles of a few inches to bowlders of several feet in diameter. Among islands the bed is generally sandy, or of less stable material than the undivided river. At rapids the bed is thickly covered with large bowlders. At several points the banks bordering rapids, although having ample slope and elevation to insure quick and efficient drainage, are yet impassable from ooze, indicating an impervious strata near the surface. The presence of ferruginous stains along the banks, and the absence of rock in place, suggest a cemented agglomerate as forming the true bed at these points, and upon which the erosive action of the water has been less effective than upon the more yielding material below.

The diminished effect of this action over the harder areas would in time leave the river-bed elevated as it now is and producing the present rapids. As a whole, the river-bed possesses the requisites for great stability.

The low-water stage occurs near the last of October and is repeated with great regularity. The low-water stage referred to in this report is above the *extreme* low-water stage, but may be safely assumed to be below the *average* low-water stage of preceding years.

Average high water occurs between the months of June and August, during which the river rises from 5 to 7 feet above the low-water stage.

On July 16, 1864, the river rose to an elevation of 14½ feet above low stage; this was an exceptional freshet, and is referred to as the highest known water. The breaking up of the ice in the spring is not accompanied with unusually high water, and generally occurs between the first and middle of April. The river closes between the first and last of December, giving a navigable season of about two hundred and forty days.

The exemption of the river from cut-offs, the absence of low bottom-lands, the strong confinement within its natural banks, the stable character of the material forming its bed, and the absence of silt, seem to furnish the requisites for a condition of great stability as regards its width, position of shore-line, and channel, enabling constructions and work to be planned with a degree of confidence not otherwise possible.

The following are the obstructions to navigation between Sauk Rapids and the Falls of Saint Anthony. At the Thousand Islands, (see Tracing No. 8,) the river is divided into several channels. The right-hand one has been chosen as the one to be improved, and the wing-dams shown on the tracing were built in 1874. The only further improvement here is to close the left channel at the head of the islands. Just below the Thousand Islands are the Mosquito Rapids, where the slope is excessive, and the depth of water insufficient. (See Tracing No. 8.)

The bed of the river is covered with bowlders. Twenty-two and one-half miles below Mosquito Rapids, are Smiler's Rapids.* The river falls here 2.1 feet in 1,160 feet, producing a very rapid current and shoal water. There is a rock in the channel just above these rapids, known as Smiler's Rock, which is very troublesome to rivermen.

Six miles below Smiler's Rapids are Cedar Island Rapids, (see Trac-

* See Tracing 6*f*.

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ing No. 5*e*,) where the river widens out and becomes shallow. The river has a slope of 4.26 feet per mile, but this can be reduced, and the depth of water increased, by closing up the wide channel and using the right channel, thus gaining a distance of 2,000 feet.

Six miles below Cedar Island Rapids are Battle Rapids, (see Tracing No. 5*d*.) Here the river runs over a bowlder-reef, and falls 2.3 feet in 1,800 feet. Except Coon Rapids, this is the most dreaded of all obstructions to navigation between Saint Cloud and the Falls of Saint Anthony.

Houghton Flats, (see Tracing Nos. 4 and 5*c*,) two miles below Battle Rapids, is a shallow reach of the river, caused by its spreading out, and its slope of 5.11 feet per mile for one and one-third miles. Spring Rapids, one and three-tenths miles further down, are caused by the river running over a bowlder-reef, and falling 1½ feet in 800 feet. The deep pool above will admit of the dredging of the crest of the bowlder-reef, and the consequent reduction of the slope.

Dayton Rapids (see Tracing No. 3) 12 miles below Spring Rapids, are caused by a bowlder-bar, the removal of a part of which would do away with all trouble to navigation.

Anoka Rapids (see Tracing No. 2) are the next obstruction. They occur 10 miles below Dayton Rapids, and are caused by bowlders in the channel which can be removed by dredging.

Coon Rapids (see Tracing No. 2*b*) are 2½ miles below Anoka Rapids, and are the worst obstruction to navigation between the Falls of Saint Anthony and Sauk Rapids. The bed of the river is thickly covered with bowlders, the worst of which were removed in 1874, and the river falls 6.9 feet in 3,600 feet. The river widens from 675 feet above the rapids to 900 feet below. A long, deep pool above these rapids admits of dredging through the crest of them to reduce the excessive slope.

Fridley's Bar, (see Tracing No. 1*a*,) 5 miles above the Falls of Saint Anthony, is caused by the excessive widening of the river. The above are the principal natural obstructions to navigation on this part of the river. There are, however, many slight obstructions which are shown on the tracings and which must be removed. They generally consist of sand-bars in wide portions of the river, and a judicious use of wing-dams it is thought will serve to correct the trouble. In many places the river is eroding the high banks of sand and gravel and carrying the materials into the river to form bars. In all such cases the banks must be protected.

The artificial obstructions consist of bridges, boom-piers, and running logs. The following are the bridges:

Hennepin avenue, Minneapolis, lower chord 22 feet above low water.
Saint Paul and Pacific Railroad, 23 feet above low water.
Fourth avenue, 15.5 feet above low water.
Saint Paul and Pacific Railroad, Saint Cloud, 35 feet above low water.
Road bridge, 40 feet above low water.

The Minneapolis Boom Company have, in order to carry on their business of receiving, sorting, and storing logs, constructed many boom-piers just above the railroad-bridge at Minneapolis, and use the large area of the river afforded for some miles above as booming-grounds. At times they occupy the whole water-way for more than a mile above said bridge. By an inspection of the accompanying tracing it will be readily seen what an obstruction these boom-piers are to navigation, not only just above Minneapolis, but at Anoka, Elk River, Monticello, Clearwater, and Saint Cloud. Where islands are in the river, one of the channels is used as booming-grounds, boom-piers being built at the lower ends of the islands.

In improving the river it may be necessary to close or to use these side-chutes, and thus the value of the booming-grounds will be destroyed, and the rights, real or assumed, of the parties using the booms be interfered with.

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The danger to steamboats by reason of the running of saw-logs down the Mississippi, with no other guidance than the current of the river, is very great. The magnitude of this obstruction may be appreciated when it is considered that 225,000,000 feet, board measure, of logs were so floated down to Minneapolis during 1874, besides a large unknown quantity floated to mills at Anoka, and above.

If the Government is to improve this great water-way, it must certainly prevent these moving obstructions that no skill of the pilot can avoid.

II.—IMPROVEMENTS NECESSARY TO OVERCOME THE ABOVE-DESCRIBED OBSTRUCTIONS.

The following is the list of improvements, together with quantities of wing-dams and dredging necessary for a channel 200 feet wide and 5 and 3 feet deep, with no slope greater than 5 feet per mile:

Between the Falls of Saint Anthony and Saint Cloud.

Distance from Saint Anthony.	Character and location of obstruction.	For five feet depth.		For three feet depth.	
		Dams.	Dredging.	Dams.	Dredging.
Miles.		*Lin. ft.*	*Cubic yds.*	*Lin. ft.*	*Cubic yds.*
76.5	Bowlder-bars		25,000		
75.5	do	110			
75.7	do	115			
74.4	Sand-bars, (island)	460		300	
71.5	Rapids, (Mosquito)	250	10,000		10,000
71.2	Sand-bars, (island)	160			
70.8	do	280			
70.5	do	100			
70.0	Sand-bars	200			
69.8	do	200			
66.0	Gravel-bar	120			
65.6	Sand-bar, (island)	1,066			
54.8	Sand, (Big Bend)	600			
53.0	Rapids, (Smiler's)		50,000		40,000
52.7	Sand-bar, (island)	470			
51.5	Gravel-bar		2,000		
49.5	do	260			
47.4	Gravel-bar, (Cedar Rapids)	800	10,000	400	
46.0	Sand-bar, (island)	380			
45.5	Gravel-bar	615			
44.4	Sand-bar, (Monticello Creek)	175			
43.4	Sand-bar, (island)	220			
42.4	Bowlder-bar	150			
41.4	Rapids, (Battle)	81	35,000	81	30,000
40.3	Bowlder bar	380		150	
39.0	Sand-bar, (Houghton Flats)	930		700	
38.4	Gravel-bar	250			
37.7	Rapids, (Spring)	100	15,000	100	10,000
36.6	Sand-bar, (island)	450			
35.6	Bowlder-bar	570			
34.8	Sand-bar, (island)	400			
33.3	do	400			
32.5	do	500		500	
31.0	Sand-bar	300			
29.5	Gravel-bar	100			
27.8	Bowlder-bar		5,000		
26.7	Bowlder and sand, (island)	875			
25.8	Rapids, (Dayton)		3,000		3,000
25.0	Sand-bar, (island)	510			
23.3	Gravel and sand	550		275	
20.6	Sand-bar	170			
20.0	do	180			
17.0	Rapids and bar, (Anoka)	540	2,000		1,000
16.0	Gravel-bar	460			
13.0	Rapids, (Coon)		50,000		40,000
12.2	Gravel-bar, (island)	1,000			
9.5	Gravel-bar	140			
4.8	Bar, (Fridley's)	850		850	
	Total	16,467	207,000	3,356	134,000

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2. To overcome the obstructions to navigation between the foot of Sauk Rapids to the head of Conradi's Shoals, recourse will have to be made to locks and dams and to some little dredging. Only approximate estimates are presented for this work, as exact surveys will have to be made of the sites for the proposed dams. For these surveys an estimate was forwarded in my letter of January 30, 1875.

By examining (Tracing No. 8*g*) it will be seen that the plan proposed to pass boats over Sauk Rapids is to build a masonry-dam over that part of the river not already dammed at Sauk Rapids, and to make a canal in the upper level along the west bank down as far as the old steamboat-landing at Saint Cloud. At the lower end of the canal a lock with a chamber 50′×200′ and 17 feet lift is to be constructed; the canal to have a least width of 100 feet at the water-line, and a least depth of 5 feet, and to be 5,000 feet long, the entrance to the canal to be protected by guard-gates.

This improvement will cost as follows:

If the lock-chamber sides are of hammered masonry, backed with rubble-masonry, iron gates, and crib-dam	$647,000
Ditto. Concrete in place of rubble-masonry	520,000
Ditto. Concrete sidewalls protected with wooden fenders, except in hollow quoins and gate-recesses, where dressed stone will be used	464,000

Between the head of Sauk Rapids and McDougall's Eddy there are some rock and bowlders to be removed and some wing-dams built, viz:

Distance from Saint Anthony.	Location.	Wing-dams. For five feet depth.	Wing-dams. For three feet depth.	Bowlders.
Miles.		*Cubic yds.*	*Cubic yds.*	*Cubic yds.*
	Watab to Island 100, 31 bowlders			414.4
	Left bank to Island 100	600		
	One-half mile above Island 100	1,050		
	Watab Rapids	345		
83	At Watab	840		
	Right bank to Island 93	525		
	One-fourth mile above Pike River	625		
	Left bank to Island 89	360		
	Island 88 to 89	460		
	Left bank to Island 83	320		
	Left bank to Island 79	500		
	One-half mile below McDougall's Eddy	360		
	From upper end of Island 78	600		
	Right bank to Island 78	100		
102	One-fourth mile below McDougall's Eddy	810		
	Total	7,495		414.4

Between McDougall's Eddy and the top of Conradi's Shoals three locks and dams will be necessary: One located at Blanchard's Rips, (see Tracings Nos. 12, and 11 and 12*g*,) with a lift of 10 feet; one at Cash's Island, (see Tracings Nos. 12 and 12*i*,) with a lift of 13 feet; and the third at Little Falls, (see Tracings 13 and 13*j*,) with a lift of 22 feet. These locks will have chambers of 50′×200′. The dams will be of timber.

The approximate estimates for these, supposing them to have timber bottoms and side and lift walls of concrete, will be as follows:

Blanchard's Rips	$332,352
Cash's Island	446,430
Little Falls	695,127

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The estimates are only approximate, as detailed surveys of their sites will have to be made before the exact quantities of excavation and embankment can be obtained.

This survey will also determine the exact lines on which the dams are built.

Besides the locks and dams in the above interval, the following improvements will be necessary:

Distance from Saint Anthony.	Location.	Wing-dams. For 5 feet depth.	Wing-dams. For 3 feet depth.	Bowlders.
Miles.		*Cub. yds.*	*Cub. yds.*	*Cu. yds.*
	Left bank to Island 77	950		
	From right bank opposite Island 63		860	
	Left bank to Island 62	1,740		
	Right bank to Island 61	450		
	Left bank to Island 60	480		
	At mouth of Pike Creek	380		
	From Island 59	375		
	Left bank to Island 59	300		
	Three-quarters of a mile below Little Falls			11.6
114.15	One-quarter of a mile below Little Falls	395		
	Total	5,000	860	11.6

3. From above Conradi's Shoals to the foot of Grand Rapids (see Maps Nos. 9 to 21) the improvements will consist of dredging and wing-dams or jetties.

The following is a list of obstructions in this section of the river, together with the quantities and kinds of materials to be removed and placed at each obstruction:

Distance from Saint Anthony.	Location.	Wing-dams. For 5 feet depth.	Wing-dams. For 3 feet depth.	Bowlders.
Miles.		*Cub. yds.*	*Cub. yds.*	*Cu. yds.*
	One-half a mile below Island 42	450		
	From Island 42	300		
	Left bank to Island 41	650		
	Island 42 to 41	525		
	One-half a mile below Big Bend	1,100		
	Three-quarters of a mile below Olmsted Bar		370	
129.1	Olmsted Bar			2.6
	do		5,195	
	do	4,615		
	One-half a mile above Nokay-sippi	495		
	64.7 miles from Aitken			11.8
	58.9 miles (3.6 below ——)	900		
	53.2 miles from Aitken	400		
154.7	French's Bar		1,490	
	Foot French Rapids	645		
	Island No. 7 to left bank	630		
163.2	Island Rapids	2,225		
164.7	Foot Big Eddy Rapids	330		
	37.3 miles from Aitken	300		
	37.2 miles from Aitken	150		
	36.4 miles from Aitken	225		
	One-half a mile below Pine River			6.1
172.3	At mouth Pine River	500		
	Three-quarters of a mile below Pine River	175		
181.3	Tow-head Rapids	275		
	Total to Mud River	14,870	7,055	20.5

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List of obstructions, &c., from Mud River to foot of Grand Rapids.

Distance from Saint Anthony.	Location.	5 feet depth.			3 feet depth.			Bowlders.
		Wing.	Dredging.		Wing.	Dredging.		
		Dams.	Sand and clay.	Bowlders.	Dams.	Sand and clay.	Bowlders.	To be blasted.
Miles.		*Cub. yds.*	*Cub. yds.*	*Cub. yds.*	*Cub. yds.*	*Cub. yds.*	*Cub. yds.*	*Cub. yds.*
236.7	Island Rapids	225	9,215	9,215	225			10
	D, (Tracing No. —)							3
238	Moose Rapids			3,703			1,234	15
	C, (Tracing No. —)							4
253	Sandy Lake			4,444				20
	B, (Tracing No —)							3
	A, (Tracing No. —)							4
267.5	Ox Portage Rapids	150	4,213	4,213				25
273	Crooked Rapids			2,962				20
284	Pine Rapids			6,666				25
292	Cut-offs to be excavated	2,692						
	Total	3,067	13,428	31,203	225		1,234	139

Grand Rapids is 357 miles above the Falls of Saint Anthony. To extend navigation from the foot of Grand Rapids to the foot of Pokegama Falls, 3½ miles, a lock will be required.

The total fall from the top of Pokegama Falls to the foot of Grand Rapids is 21¾ feet.

It is proposed to build a dam on Pokegama Falls to raise the water there 7 feet, so that to pass from the foot of Grand Rapids to above the falls will require a lockage of 28¾ feet, 9 feet of which would be made at Grand Rapids and 19¾ at Pokegama Falls. No estimates are submitted with this report, as there are not sufficient data for the purpose.

Above Pokegama Falls the navigation is unobstructed to Cass Lake, save a few bowlders below the outlet of Little Winnebagoshish Lake. Above Cass Lake the river is a series of rapids, with lakes between them, and any improvements will consist of locks and dams.

RÉSUMÉ OF PROBABLE COST OF IMPROVING THE MISSISSIPPI RIVER FROM THE FALLS OF SAINT ANTHONY TO GRAND RAPIDS, 357 MILES, SO "AS TO GIVE 5 FEET NAVIGATION AT LOWEST STAGES OF WATER."

1. From Falls of Saint Anthony to Saint Cloud:

32,934 cubic yards brush wing-dams, at $1.25	$41,167 50	
207,000 cubic yards dredging, at 50 cents	103,500 00	
Total		$144,667 50

2. From Saint Cloud to Conradi's Shoals:

Lock and dam at Sauk Rapids	$464,000 00	
Lock and dam at Blanchard's Rips	332,352 00	
Lock and dam at Cash's Island	446,430 00	
Lock and dam at Little Falls	695,127 00	
Total		1,937,909 00

3. From Conradi's Shoals to Grand Rapids:

17,937 cubic yards brush wing-dams, at $1.25	$22,421 25	
13,428 cubic yards dredging, sand and clay, at 50 cents	6,714 00	
31,203 cubic yards dredging, small bowlders and gravel, at 75 cents	23,402 25	
159 cubic yards bowlders to be blasted out, at $10	1,590 00	
Total		54,127 50
Total cost for a channel 5 feet deep		2,136,704 00

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FOR A CHANNEL 3 FEET IN DEPTH.

1. From Saint Anthony to Saint Cloud:		
6,712 cubic yards brush wing-dams, at $1.25	$8,390 00	
134,000 cubic yards dredging, at 50 cents	67,000 00	
Total		$75,390 00
2. From Saint Cloud to Conradi's Shoals:		
Lock and dam at Sauk Rapids	$464,000 00	
Lock and dam at Blanchard's Rips	332,352 00	
Lock and dam at Cash's Island	446,430 00	
Lock and dam at Little Falls	695,127 00	
836 cubic yards brush and wing-dams, at $1.25	1,045 00	
425.6 cubic yards bowlders to be blasted, at $10	4,256 00	
Total		1,943,210 00
3. From Conradi's Shoal to Grand Rapids:		
7,280 cubic yards brush wing-dams, at $1.25	$9,100 00	
1,234 cubic yards bowlders and gravel, at 75 cents	925 50	
159¼ cubic yards bowlders to be blasted, at $10	1,595 00	
Total		11,620 50
Total cost for a channel 3 feet deep		2,030,220 50

The question of the cost of improving navigation above Grand Rapids can only be answered after Congress has determined whether the reservoirs recommended by the Senate Select Committee on Cheap Transportation Routes are to be constructed.

III.—Commerce to be served by the above improvements.

For these statistics I would respectfully refer to the "Report of the Senate Select Committee on Cheap Transportation-Routes to the Seaboard." (Report 307, 1st sess. 43d Congress.)

In closing this report, I would state that it is only preliminary to a more complete one to be rendered when the detailed surveys of the sites of proposed locks and dams have been made.

Great credit is due to Assistants J. D. Skinner, H. E. Stevens, and L. G. Schermerhorn for the able manner in which they performed their work, and the economy they exercised.

The general maps are numbered consecutively from 1 to 21, and are on a scale of $\frac{1}{4800}$; the detailed maps of obstructions are lettered as they go up stream with the number of the general map on which the obstruction is found prefixed; thus, 21*k* refers to detail-sheet *k*, and to general sheet 21. The scales of the detail-maps are expressed upon them.

I forward this day, by express, a package containing the above tracings, thirty-three in number.

Very respectfully, your obedient servant,

F. U. FARQUHAR,
Major of Engineers.

Brig. Gen. A. A. Humphreys,
Chief of Engineers, United States Army.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A copy of the report of Maj. C. R. Suter, Corps of Engineers, upon the improvement of the navigation of the Mississippi River between the mouth of the Ohio River and New Orleans.

FEBRUARY 27, 1875.—Referred to the Select Committee on Transportation-Routes to the Seaboard and ordered to be printed.

WAR DEPARTMENT, *February* 27, 1875.

The Secretary of War has the honor to transmit to the United States Senate copy of the report of Maj. C. R. Suter, Corps of Engineers, upon the improvement of the navigation of the Mississippi River, between the mouth of the Ohio and New Orleans, which embraces a part of the third subdivision of the Mississippi route, indicated in the report of the Senate Select Committee on Transportation-Routes to the Seaboard.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 26, 1875.

SIR: In further compliance with the requirements of the river and harbor act of June 23, 1874, for surveys and estimates for the improvements recommended by the Senate Committee on Transportation-Routes to the Seaboard, I beg leave to submit herewith a copy of the report of Maj. C. R. Suter, Corps of Engineers, upon the improvement of the navigation of the Mississippi River, between the mouth of the Ohio and New Orleans, which embraces a part of the committee's third subdivision of the Mississippi route, designed to secure a navigation of from 8 to 10 feet from Saint Louis to New Orleans at the lowest stages of water.

From the great extent of river embraced within these limits, the labors of this party were necessarily confined to such an examination as would disclose the nature and extent of the existing impediments to navigation, and lead to the suggestion of methods to be adopted most likely to secure their removal.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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REPORT ON PORTION OF THE THIRD SUBDIVISION OF THE MISSISSIPPI ROUTE.

Mississippi River from Cairo to New Orleans.

ENGINEER OFFICE UNITED STATES ARMY,
Saint Louis, Mo., February 18, 1875.

GENERAL: Congress, at its last session, appropriated $200,000 for surveys and estimates for the improvement of certain routes recommended by the Senate Select Committee on Transportation-Routes to the Seaboard.

Among these routes was the Mississippi River, the idea advanced by the committee for that portion of the stream between Cairo and New Orleans being to so improve it as to give from 8 to 10 feet navigable depth at all stages of water.

The duty of reporting upon this subject was assigned to me, and $10,000 was allotted to defray the expenses of the necessary examinations.

As the sum was of course inadequate for the careful survey of one thousand miles of a great river like the Mississippi, it was necessary to confine the work to a mere reconnaissance which would enable a general map of the river to be made with approximate correctness, determining at the same time the nature and extent of the existing difficulties to free navigation, together with the methods most likely to secure their removal. This plan having been approved by the Chief of Engineers, was carried out during the summer and early winter of 1874.

An engineering party was placed on one of the Government steamers and sent into the field with instructions to sketch the river carefully from the pilot-house of the steamer, checking their work by frequent triangulations for widths, and by comparison with the best State maps attainable, for the lengths between known points.

The party passed four times over the portion of the river between Vicksburgh and Cairo, and twice over the portion between Vicksburgh and New Orleans. The work was carefully done, and is quite satisfactory. The maps show all the topographical features quite fully, giving the size and position of islands and dry sand-bars, and the location of the low-water channel at the time of the survey. The river was not low enough for a good hydraulic survey, and moreover there was neither time nor money enough available for the purpose, but all available information on this point was collected from pilots and residents along the river.

Although the information obtained by this reconnaissance is not sufficiently detailed or extensive to allow estimates of the cost of the improvement recommended to be made, yet it will, I hope, be sufficient to point out the nature of the improvement required, and the means by which it can be effected.

First in order is the absolute necessity of a careful survey of the whole river. We have at present really nothing definite to guide us, either with regard to the present situation, or to changes which have taken place in the past. If a careful survey had been made thirty or forty years ago, it would be of inestimable value now, for the effect likely to result from causes now at work can only be rightly inferred from the effect produced in past times by similar causes. This information we have not got, and hence much is left to conjecture which should be known with certainty. This state of affairs should be reme-

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died as soon as possible, so that when in future any work may be needed on the river the data may be at hand for projecting it.

There is probably no branch of engineering which offers more practical difficulties than river hydraulics, nor is there another in which so many perplexing questions are involved, nor where so much patient observation and experiment are needed to obtain successful results.

This is mainly owing to the appalling vastness of the subject arising from the fact that every stream, and in truth every portion of a stream, has its own special characteristics, not necessarily appearing elsewhere, which renders observers singularly liable to generalize on insufficient or erroneous data.

It is only by long and patient observation, extended over long periods of time, and covering considerable lengths of many different streams, that we may eventually hope to assign definite values to the many variables which enter the equation to be solved.

A vast amount of information on this subject may be gathered from the works of foreign writers, and of our own engineers, but this information is much scattered, and often inaccessible; it is moreover generally mixed up with many facts and features which are strictly local and hence not generally applicable.

I have therefore felt justified in endeavoring to describe here, briefly, the more striking and important features and phenomena observable on our western rivers, before discussing the special subject confided to me for investigation.

In two important features our western rivers differ from those under improvement in the east and on the Pacific coast: first, their beds are formed of gravel, sand or mud, instead of rock in place; secondly, they are unaffected by tides.

The nature of the beds and of the banks determines the characteristic features of all these streams, and accounts at the same time for the immense diversity everywhere observable.

Two great classes are met with.

First, we have the Mississippi north of the Ohio, which, as well as the Ohio and Missouri, all the northern and a portion of each of the southern tributaries, show a well defined valley sunk more or less below the general level of the country, and bordered by abrupt cliffs of lime or sand stone. Frequently these bluffs are partly or wholly concealed by great masses of drift, which form rolling hills and ridges extending often to the river-bank. This latter feature is especially characteristic of the Ohio and Lower Missouri; the bare, bold bluffs being principally confined to the Upper Mississippi and Missouri and their tributaries. Both features are found on the upper portions of Red, Ouachita, Arkansas, and White Rivers, together with their principal tributaries.

The width of the valley scored out of the general level varies from one to twenty miles, while its true bottom, the bed-rock, is found from sixty to a hundred feet and upward below the beds of the present streams. The bluffs themselves vary greatly in height, sometimes towering 40 or 500 feet above the level of the water.

These facts show that our present rivers are but puny representatives of their gigantic predecessors in prehistoric ages.

It is through the immense deposits of sand and gravel accumulated by these ancient streams that our modern rivers struggle to force their way.

The banks and beds are generally sand or gravel, now pure, now mixed with alluvial matter brought down by the stream and deposited during the annual overflow. Occasionally we find the bank formed by

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rock-bluffs or by the drift-hills and terraces before alluded to. These banks are comparatively stable, but the others are constantly eroded by the water. The streams are therefore constantly changing their shape and direction, their lateral excursions being, however, limited by the sides of the valley through which they flow.

Secondly, in the delta region, so called, that is, on the Lower Mississippi and the lower portions of its southern tributaries, entirely different conditions are met with. The river-banks are generally found to be composed of alternate strata of sand and of very stiff blue clay, belonging to the Tertiary series. Above these strata we generally find about 30 feet of a more recent alluvial formation. The bed proper, or rather the extreme limit of scour, is formed by one of clay-layers; but as far as the banks are concerned, there is nothing to prevent erosion taking place in any direction, and accordingly we find all these delta streams exceedingly tortuous in their courses.

On all the streams of the first class erosion of the banks, though often rapid, is still a gradual process; the bank, as it becomes saturated, crumbles and falls into the river, a few inches at a time.

On streams of the second class, however, the process is different. The clay-layers are both impermeable and insoluble, but the heavy water-pressure in floods saturates the lower sand-layers to a great distance from the water's edge. As the water falls the pressure diminishes, and the water in the sand-layer returns to the river, washing out the sand as it goes. The clay-layers are thus undermined over large areas, and eventually the whole overhanging mass breaks off and falls or slides into the river. In this manner the rate of abrasion may become perfectly appalling under favorable conditions. Slight reflection will show that it must necessarily be worse after heavy and long-sustained floods than at other times, and observation shows this to be fact. At low water a rapid rate of erosion may be developed by special causes, as a sharp local deflection of the current against the shore; but generally speaking, caving of the banks is confined to high water and the stages immediately following it. On the Mississippi itself, the continual erosion of the banks gives rise to some curious phenomena, the true office and explanation of which seem not to be generally understood. I allude to the cut-offs which from time to time are formed naturally, and which are constantly brought forward by speculative individuals and advocated as a panacea for the ills resulting both from floods and low water.

In the first place it would appear, at a casual glance, that as the cutting action is greatest in the deepest recesses or apices of the bends, there would result an indefinite elongation to the right and to the left of the general direction of flow of the river, or, at least, it would be carried to such extent that the consequent reduction of slope would destroy both the velocity of the current and its powers of transporting the mass of sediment poured into it; such would indeed be the case, although the consequent filling up of the bed would gradually raise the whole river and finally establish new conditions of equilibrium.

But in truth the remedy is far more promptly applied; the cutting of the bank is not confined to the apex of the bend, but extends along the whole concave shore, and, as the bends overlap each other, it follows that the necks of land separating them are eroded on both sides, and hence are rapidly reduced in width.

In the course of time the dividing neck becomes so attenuated as to be no longer able to sustain the pressure of the water against it, and as the nature of the materials of which the bank is composed allows

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more or less to leak through and wash out the sand-layers, finally the whole mass crumbles, and a wide breach is formed through which the river pours with resistless force. Davis's, one of the most recent of these cut-offs, and also the largest, occurred in 1867. It cut off Palmyra Bend, eighteen miles below Vicksburgh, a bend which was eighteen miles long, while the distance across the neck was only 1,200 feet. The exact slope of the river at the time is not known, but it was probably not far from 0.3 foot to the mile; therefore the difference of level on the two sides of the neck was about 5½ feet. When the river broke through, the whole of the fall had to be absorbed in the 1,200 feet of distance, making a rate of about 24 feet to the mile; and it can readily be imagined that the whole immense flood-volume of the Mississippi, flowing with the enormous velocity due to this great slope, produced very marked effects. The roaring of the waters could be heard for miles, and in the course of a few hours a channel a mile wide, certainly over a hundred and probably nearly two hundred feet in depth, had been excavated. Even then it was many weeks before the velocity of the current had sufficiently abated to allow boats to use the new channel.

It is clearly evident that in such cases as this the stream cannot long remain in a condition so different from its normal regimen; the length by which it has been shortened must be regained, so as to restore the usual slope, and this can only be effected in one way, viz, by the elongation of bends lying above and below the cut-off. This result has followed in the case mentioned, and is and must be an inevitable accompaniment of any similar occurrence. The influence of the Davis cut-off is still felt far above and below Vicksburgh. The rate of erosion in the bends has been enormously increased, and to-day we are threatened with several more cut-offs between Memphis and Vicksburgh. One in fact occurred during last summer, near Commerce, Miss.

After the river has once formed a new channel for itself, the old bend fills up at the head and the foot and becomes a lake. The immense number of these peculiar crescent-shaped lakes scattered through the bottom-lands on both sides of the river, shows that this action has been going on ever since the Mississippi has existed in its present state, and we would therefore seem justified in assuming that no material change has occurred within recent times, at least, affecting the slope, length, or general direction of the stream.

Such being the well-recorded effects and results of cut-offs, it certainly is surprising to find that, from time to time, their formation by artificial means has been recommended as a means of improvement, and some have actually been produced, or at least hastened, by ignorant persons. The amount of damage produced by a cut-off, particularly in those portions of the country where riparian plantations are numerous, must necessarily be enormous; and as I have attempted to show, no good is likely to result therefrom, as the river will in time be precisely in the same condition as before.

On other streams the same phenomena occasionally obtain, but generally the mode of action is different; thus, on the Missouri, the bends being more open, a bar generally forms on the lower side of the points, while the upper side is abraded, from which action results a gradual down-stream motion of the bends, which follow each other like a series of waves, and in this manner lateral elongation is prevented. Similar action is observable on many other streams, but not to as great or as general an extent as on the Missouri.

White, Ouachita, Red River, and other similar streams are exceedingly tortuous, but the current being generally weak and the banks tolerably

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firm, the amount of erosion is small; consequently these streams change but little. On the Lower Arkansas, however, where the current is rapid, the general features of the Mississippi are reproduced.

The beds of the tributary streams are composed of materials washed from the banks or brought in by tributaries, and comprise bowlders, coarse and fine gravel, sand, and mud; of these materials none heavier than coarse gravel are moved by the current, the others remain in position and form local obstructions.

The heavier deposits are more common on the Ohio River than on any other of the large streams, and that river also moves quite coarse gravel in its upper portions; lower down it transports fine gravel and coarse sand. The Upper Mississippi carries heavy sand; gravel is rare. Both these streams have clear water.

The Missouri flows over exceedingly fine sand mixed with mud; the banks are of similar composition, and the water is very muddy.

The Arkansas and Red Rivers are also exceedingly turbid, the water being tinged a bright-red from the colored earths with which it is charged; the river-beds are of rather coarse sand in the lower portions; higher up we find gravel.

The other southern tributaries, White, Ouachita, &c., have clear water, and in their navigable portions transport only coarse sand.

The Lower Mississippi being the general receptacle for all these deposits, partakes of the character of all of its tributaries; the bed proper, as before stated, is clay, but superposed on this are great masses of deposits, ranging from very coarse gravel to fine mud. Its water is very turbid, having a grayish tinge, which becomes reddish after the waters of Arkansas and Red Rivers are received.

All these streams have, therefore, the common feature of generally unstable banks and beds, the water-way being usually composed of materials which the flood-current, at least, is capable of transporting.

The laws of flowing water are sufficiently well established to enable us to settle questions which arise concerning the discharge of any stream, and its dependent phenomena, so that the point specially needing investigation is the action of the stream upon its beds and banks, for to this action are mainly due those shoals, bars, &c., which are such grievous obstructions to the free navigation of our rivers.

I wish, however, to remark here, that the smaller and shallower the stream, the greater will be the care needed in measuring the discharge, as in this case we are surrounded by numerous sources of error, which are of far greater proportionate importance than would be the case on large, deep streams. Also with regard to the velocity, which is generally assumed to depend mainly upon the volume of discharge and the slope. This is only the case, even approximately, on very large, deep streams. On most of the rivers that we are considering, especially during their low stages, the velocity is greatly affected by friction, and therefore varies considerably according to the character of the materials composing the bed. With similar slope and discharge, the velocity will be greatest in streams having the most unstable beds; that is, beds composed of the lightest materials, as in this case the effect of friction must evidently be at a minimum.

With regard to the slope, I wish to call attention to the grave error of taking at its literal value the term "plane," by which the water-surface throughout the whole or a portion of the length of a stream is conventionally designated. Thus, it is customary to speak of the planes of high or low water, as though they were actually plane-surfaces, which is far from being the case. In similar manner, the mean slope is spoken

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of and is obtained by dividing the total difference of water-level between designated points by the total length of the river between those same points.

The so-called planes of high or low water are usually established by connecting with the level a series of water-gauges. Synchronous observations on these gauges are assumed to give the shape and position of the water-surface at the time of the observations. It is thus found that the water-surface over a considerable distance is not a plane-surface, but is composed of a series of plane or slightly curved surfaces which are liable to great variations, even for the same stand by the gauge. During high water, these local variations arise from the fact that swells or freshets on the river have the section of a very much elongated wave raised above the general surface. The front and rear of the waves may make quite abrupt angles with the general surface, while the fact that several waves may be following each other, or may even be superposed, adds still more to the complexity of figure of the high-water surface slope.

The plane of low water is even more irregular and uncertain than that of high water, for, while in the previous case we had only masses of water to deal with, in the present we have also to consider the effect produced by masses of sand and gravel.

On examining a profile of the water-surface of one of these rivers during a low or medium stage, it will be observed that the *mean slope* for the whole length differs greatly from the mean slope of any one section of, say, 100 miles in length; and again, the mean slope of this section will be found to differ greatly from the actual slope in different portions of the section. This complexity arises from two causes: First, the slope in the upper portion of any stream is much greater than it is lower down; and, secondly, the slope in isolated portions of the stream varies in a curious but quite uniform manner. We invariably find a series of reaches, varying in length with the size of the stream, in which the slope is very slight, often scarcely perceptible; these reaches are connected by short abrupt inclines on which the slope is relatively very considerable, in fact nearly the whole slope of the stream is concentrated on these inclines. The channel-soundings, if plotted on the same profile, will show that the depth on the inclines is very much less than in the level portions, and on comparing the profile with the plan it will be found that the level reaches lie alternately on opposite sides of the river, and that the steep pitches occur where the channel crosses from one side of the river to the other.

These deep-level reaches, called pools, are separated from each other by masses of sand or gravel, over which the water flows as over a low dam. These masses of sand and gravel constitute the bars, and are the principal obstructions to the free navigation of these streams.

The relative depths in the pools and on the bars varies much, even on the same stream; and the absolute depths are also very variable for different stages, and even for the same stage of water. In like manner, the absolute level of the pools and the difference of level between consecutive pools is very variable, even for the same stage of water, and the profiles of different years may be and generally are quite different for the same stand by any particular gauge.

It is therefore evident that great care is needed in projecting any plan of improvement, lest certain local, and perhaps only temporary, conditions may have entirely altered the normal slopes of the river.

To comprehend the cause of these irregularities, and their practical effect on navigation, it is necessary to consider the laws governing the

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movement of the large masses of sand and gravel which are set in motion and carried along by the water of the stream.

If we imagine a perfectly straight channel, with immovable bed and banks, but partly filled with sand, through which a constant stream of water flows with a velocity sufficiently great to move freely the sand below it, the effect will, of course, soon be to entirely remove the sand; if, however, the latter is supplied in sufficient quantity to compensate for that removed, our experiment will more nearly resemble cases met with in ordinary practice, at least sufficiently for what I wish to show.

Under the action of the flowing water the sand will be found to form a series of ridges, like long shallow waves, which move forward with a volocity considerably less than that of the water itself, the rear slope of the waves being very long, while the front is usually shorter and may be quite abrupt. The sand rolls up the rear slope and falls over the crest, and in this manner the wave advances. The velocity at the sides of the channel must be less than at the center, on account of the friction of the sides, and a moment's reflection will show that a greater mass of sand will be moved by the central current, and therefore that the length of the sand-wave measured on lines normal to its crest will be greatest at the center and least at the sides. Again, if the sand is not homogeneous, the heavier grains will be more readily moved by the strong current in the center of the stream than by the weaker current at the sides; hence, the heavier sand will be accumulated at the center of the wave, and the lighter materials will be found at the sides. Now, suppose the supply of water to be diminished until the decrease of velocity and scouring power render it unable to move the sand. After a short time much of the water will be drained off, leaving the sand-waves stretched across the channel like a series of dams, ponding back the water above them. The water remaining will flow over these dams in a shallow sheet, which will diminish in depth as the level above is drawn down, and by a continuance of this action a sensible difference of level between the water on the two sides of the dam is developed. When the head attains sufficient magnitude the water will make a breach in the dam to find an outlet, the velocity due to the head attained determining the portion of the dam broken through. It evidently will not be the middle portion, because, as already explained, this must, from its composition, offer the greatest resistance; but some point to the right or left will be selected. The outflow through this breach soon draws down the level above, and the velocity consequently diminishing, the water is no longer able to move the sand through the gap, but drops it there and the breach fills up. Another outlet will after a time be formed, but for the reasons before given, it will be farther from the center of the wave than before, and this action will be repeated as often as there is any disturbance of the equilibrium. In any case the rule is the same; the breach is formed in the sand dam or bar as near the axial line of the stream as the composition of the bar will allow. In consequence of this action, the water no longer flows parallel to the sides of channel, for, on emerging from behind the sand-wave it necessarily strikes the sides at an angle, and it will then be deflected back, and hence the breach in the next lower pool will take place on the side opposite the first one. The channel now will follow a series of osculating curves, whose degree of curvature will be mainly regulated by the relative amount and density of the sand and the amount of water in motion.

If now the supply of water be restored to the original standard the channel will return nearly to its original direction; but if this operation be

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many times repeated the lighter materials will, to a great extent, be sifted out of the central portions of the sand-waves, which will finally attain a density sufficient to oppose even the full strength of the current. This, therefore, will become more and more diverted from its rectilinear direction, and the curved channel-way becomes permanent, but will always be less marked at high than at low water.

In this description I have assumed that the banks are too solid to be affected by the current, although in general practice this is not the case, but I wished to show that, even under the very favorable and unusual condition assumed, the curved channel-way is inevitable in streams which flow over beds of movable materials.

In nature the banks are generally very unstable and easily eroded by the current; they present, as a general rule, less resistance to the water than does its bed, and hence the curved shape, set up by the causes cited above, will soon be greatly increased and rendered permanent.

All the phenomena of bar-formation can be traced to the interaction here described, of the force of the moving water and the resistance offered by the materials over which it flows, although we will not often find cases as simple as the one here presented. In actual practice there are generally many complicating causes to discover and eliminate, but the general action is always the same.

In considering now the case of actual streams, we must remember that their present beds, as well as their banks, furnish inexhaustible supplies of sand, gravel, and mud. The complications of water-flow due to their action cannot, therefore, ever be entirely eliminated, although it is a very serious question whether means will not have, eventually, to be taken to prevent the washing of the banks on the tributary streams at least, as many of these bring in quantities of sediment utterly disproportionate to the amount of water which they contribute.

I will now endeavor to describe the variations from the simple manner of bar-formation which are met with in practice: these vary greatly for different rivers, as might be supposed, but for the same stream they are measurably constant; the variations, such as they are, being due to the character of the materials moved, and to the force and volume of discharge of the water. The streams which I select as typical are the Upper Mississippi, the Missouri, the Ohio, and the Lower Mississippi.

The Upper Mississippi flows over very heavy sand, and its banks are composed of similar material. The general course of the river is quite straight, and the total fall is considerable. The volume of water discharged is also large, but the floods, although heavy, are not of very long duration. The banks are very easily abraded, while the material composing the bed is hard to move, and the stream has therefore attained an extraordinary width between banks, while great complications in the formation of the sand-waves have resulted. The floods being violent, but of short duration, the crests of the waves are generally above the low-water surface, and they speedily increase in size by the drifting of sand under the action of the wind; then follows a growth of willows or cottonwoods, and we have an island. Either an island or a dry bar will act like one of the natural banks, and an independent wave-formation will be set up in every separate channel thus formed.

The Upper Mississippi has an immense number of islands, large and small; hence, there are a great many channels and considerable complexity of bar-formation. The great extent to which the water is scattered prevents vigorous or sustained action on the sand; the bed of the river is covered with different sets or systems of sand-waves, due to the numerous channels, and navigation is much impeded. Nevertheless,

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no stream with which I am acquainted shows so well the method of simple formation of bars which I have attempted to describe; the complicated channel is a natural consequence of the small supply of water and undue proportion of sand.

The Ohio resembles the Upper Mississippi in many respects, but its floods are far more violent, and its low-water stages more general and lasting. The bed is generally composed of heavier materials, and much gravel is moved, while the banks are but little eroded.

Islands are not very numerous, and the bars are usually simple in their formation, but contain much gravel. The low-water discharge of the river is so small as to be usually inadequate to the task of breaking through them; hence, low-water navigation is very bad.

Both on this stream and the Upper Mississippi the channel is not liable to sudden and radical changes as on the Missouri.

The Missouri, although not the greatest in volume, is, nevertheless, the tributary which most resembles the main-trunk stream. It is very peculiar in its action, although all the observed phenomena are easily explained. Its volume and slope do not differ materially from those of the Upper Mississippi, yet the velocity of the current is probably twice or three times as great. This fact can only be explained by the supposition already mentioned, that it is due to the great mobility of the bed, and consequent small amount of friction, which enables the velocity to approximate, more nearly, than is usually the case, to that due to the actual descent of the stream. This velocity varies from three miles to at least nine miles an hour.

The bed and banks are composed principally of an almost impalpable sand; heavy sand is rare, and gravel is usually only met with near the bluffs. As might naturally be expected, the amount of disturbance of the bottom is enormous, the water penetrating it to considerable depths, and whirling along great masses of sand, which is so fine that a very large amount is suspended and carried forward by the water, in addition to that which rolls along the bottom.

The rate of advance of the sand-waves is very rapid, but they are never allowed time to dam up the water to any extent. Their crests are always high and flat, and the water, even at high stages, is obliged to force channels through them. These cuts at once become reservoirs, into which pours the greatest body and the heaviest of the moving sand; consequently they soon fill up, and a breach is quickly formed at some other point. These sand-waves are generally greatly elongated downstream, but their shape is constantly changing, and they wash away and re-form with astonishing rapidity.

The increased discharge of floods gives the current an enormous increase of velocity, and, hence, of excavating power, and the amount of material moved keeps pace with the increased volume of water, and in consequence there is not much difference in the channel-depths at flood and at low stages.

The navigable channel is of course constantly shifting, being now on one side of the river, now on the other, and it requires the greatest skill and judgment on the part of the pilots who navigate it.

During very low stages the velocity is much reduced, and the peculiar characteristics of the river are not so apparent, but slight causes suffice to disturb the equilibrium and effect great changes.

The banks are eroded with extraordinary facility, and as old logs and stumps are found buried throughout the valley, there seem to be good reasons for thinking that the river may have traveled over the entire

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width of its valley, perhaps more than once; at all events, land along its banks is held by a most uncertain tenure.

From what has been said it may readily be inferred that the effect of any engineering constructions, as is also true of natural obstructions, will be very marked and speedy, but not necessarily permanent nor easy to maintain.

After joining the Upper Mississippi, the turbulent propensities of the Missouri are a good deal curbed by association with its more orderly partner, and the heavy sand of its new bed also tends to bring about this desirable result; but nevertheless, its influence is still quite apparent and manifests itself especially in the instability of the channels during low stages.

After passing Cairo, we reach the Lower Mississippi proper.

We have now left the rock-bluffs behind; hence to the Gulf the banks, with a few exceptions, are uniformly composed of layers of sand and clay, surmounted by a stratum, about 30 feet thick, of alluvial soil. These banks, except where under cultivation, are covered with a rank heavy growth of timber, and the bars which emerge from the river are speedily taken possession of by a dense growth of willows and cottonwoods. The curved formation being entirely unopposed, is very strongly developed, increasing, however, as we descend the river and as the velocity of the current diminishes.

The bluffs which touch the river at Memphis, Vicksburgh and a few other points, the most southerly of which is Baton Rogue, are composed principally of sand with some clay and gravel; the sand being often partially cemented with iron ore.

There is quite a large number of islands, generally of considerable size and tolerably stable; the manner of their formation will be explained further on.

The bed proper of the stream is a peculiar tenacious clay, as already stated, but on this bed rest the immense deposits of all kinds of material brought in by the tributaries, or precipitated into the stream when the banks are undermined, and it is the action of the water on these deposits, moving them and heaping them up in certain localities, which gives rise to the bars.

Although the principle governing the formation of these obstructions is precisely the same as in the simpler cases, yet, the peculiar circumstances under which it occurs, causes a good deal of variation from the simple type.

The principal cause of variation lies in the curved shape of the stream, which is very marked and persistent; consequently, at all stages of water, the channel is more or less curved, and this shape determines the manner of deposition of the materials moved by the water.

In discussing the case of a straight channel-way, it was stated that the heavier materials would follow the thread of the strongest current. This is still true in the case before us, but, owing to the great curvature of the bed, the question of the location of this current is no longer as obvious as before. As a matter of fact, it varies with the stage of water, and will always be found following a path as nearly direct as possible, which throws it more or less directly from one point to another, and as the river rises it approaches more and more closely to these points.

The great volume and force of the river enables it to move both gravel and heavy sand, and these will be deposited near the points, or wherever the high-water channel may be. As the river falls the diminished velocity renders it incapable of moving these deposits, and the water is gradually deflected by them towards the bends.

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These constant accretions of heavy material will of course gradually extend the points, thereby encroaching on the space occupied by the water at lower stages, and as the banks offer less resistance than the bed they will be eroded and the bend will be elongated; it is thus that the curved form is perpetuated and constantly increased.

In emerging from a bend the water spreads out in a fan-shaped mass, the strongest current taking the shortest available route. It might be inferred from this that a section across the stream would show the greatest depth where the current is strongest, but the reverse is usually the case; the extra velocity simply moves more or heavier materials, and the depth is not increased. From one side of the fan to the other we have all grades of velocity, and similarly all grades of material. Finally, between the extreme edge of the sand-wave and the concave bank, we have a very deep pool in which the velocity is relatively quite small. These pools receive only the lightest deposits, principally mud; they are partially filled up at high water, but are scoured out at low stages, even down to the main clay-bed.

The sand-waves still retain their characteristic features, but the heaviest portions, instead of being at the center, now lie alternately on opposite sides of the stream and near the points.

The erosion of the banks and the extension of the points gradually elongate the bends, and after a time the additional resistance thus offered to the free discharge at high water, and which is always represented by a ponding back and consequent increase of head, causes the current to cut a channel through the point-bar; this becomes a permanent outlet for flood discharges, and the bar outside becomes an island. Outside of this, other bars form, and in their turn become tow-heads and islands.

There is no doubt whatever that all the Mississippi islands have been formed in this way, or else by cut-offs.

The channels behind them are called chutes, and are essentially high-water channels, and the absurdity of endeavoring systematically to turn the low-water channel into them should, it seems, be obvious; nevertheless it is constantly being proposed, not only by amateur engineers, but also by men who should know better. The chutes are merely vents for the discharge of floods, and as they furnish the most direct route, a great portion of the heavy material in motion, comprising not only gravel and heavy sand, but logs, snags, &c., naturally passes through them. The snags and logs often lodge, as the chutes are not usually deep, and in any case it is safe to count on finding the bottom composed mainly of gravel and very coarse sand. These chutes are, as a general rule, dry at low water, and are only used by boats ascending the stream during high stages.

It frequently happens, however, that great erosion takes place in them, increasing their length to such extent that the maximum velocity of the current is no longer found in them; in this case the chute no longer goes dry at low water. Finally, by some means, the high-water discharge may be diverted into the bend, which at once fills up, and the chute becomes temporarily, or even permanently, the main channel of the river. This shifting of the channel from one side to the other of a bar or island is not an uncommon occurrence at low water, provided the length, and consequent fall, in the two channels do not materially differ.

As the various actions here described are constantly going on, the bars on the points constantly advancing, and the shores of the bends receding by continual erosion, it may well be asked where this action is

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to stop, and what there is to prevent an indefinite lateral extension of the river-bed.

If caving of the banks were only confined to the apices of the bends, this action would go on until the channel had been so much lengthened that the current-velocity would no longer be equal to the task of transporting the sand, and consequently the latter would accumulate until the whole bed of the stream was raised, and new conditions of flow set up. But, as already stated, this condition of affairs rarely occurs, for the caving of the banks almost always extends to a considerable distance to each side of the apex of the bend, and the neck of land between two consecutive bends, being eroded on both sides, gives way, and a cut-off is formed.

In this manner, or the one previously described, the length of the river is preserved from any great variation.

I have as yet said nothing about the absolute size and extent of the sand-waves, and this I purposely left unsaid, for the greatest possible variety is to be found among them. It will not, however, be difficult to infer, from the foregoing remarks, that their absolute dimensions, as well as their position, will vary from year to year. Their dimensions must always express the difference between the carrying and depositing action of the stream, and this of course varies greatly according to the relative amount of water and sand supplied each year. As already shown, the different tributaries furnish sensibly different materials, which difference influences this question greatly, and the length and extent of the floods is also a very important consideration. A short, violent flood creates a great disturbance on the bottom, and sets many large sand-waves in motion, but as the velocity of the current is quickly checked by the rapid fall of the water-surface, it is quite unable to cut its way promptly through the extensive shoals created. Shoal water for the whole season invariably follows a sudden rapid fall. If the fall is gradual, the motion of the sand-waves ceases before the velocity of the current is too much reduced, and further supply of sand being thus cut off, the greater portion of the wave is carried off by the current, leaving only such a barrier as can be broken through during low water with comparative ease.

There are generally two floods in each year: the first occurs usually in March or thereabouts, and is called the spring rise; the second is called, from the month in which it usually occurs, the June rise.

The spring rise, being generally due to the melting of snow, &c., on the lower portions of the streams, may be considered as mainly local, and as the greater portion of this influx of water runs off or out of the banks, a great deal of soil accompanies it; hence, the spring rise is generally a very muddy one, and the quantity of material moving is a maximum.

The June rise generally comes from the headwaters, and, owing to the distance that it travels, it brings comparatively little sediment with it; and although it sets the sand-waves again in motion, it rather decreases than adds to their magnitude, and is therefore of decided advantage to navigation; and in fact when the June rise is small, or, as sometimes happens, altogether wanting, a shoal-water season inevitably results.

So far we have looked upon the bars simply as evils to be deprecated, but there is another side to the question. All the streams are liable to great floods, which carry off in a very short time a large percentage of the annual discharge. During the remainder of the season there are but small additions to the volume of water, and were it not for the

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peculiar formation of these streams, they would go dry like ordinary torrents; but the shoals hold the water back, and it is stored up in the deep pools, to be drawn out gradually as the season advances.

On the large streams, these pools always contain enough water to maintain fair navigation through the dry season, provided it be used with discretion; but any attempt to tap them too soon, or too lavishly, will, by prematurely draining them, increase rather than remedy the evils complained of.

When an improvement is projected, the bars must be looked upon as dams and treated accordingly, it being borne in mind that it is better not to increase the actual flow over the dam, but rather to decrease its width and increase its depth, the flow of water remaining the same. When properly done, this need not disturb the normal state of affairs, while it will afford to navigation all the facilities required. Should, however, ill-judged measures result in drawing down the level too rapidly, it will be found that other bars, which had before been too deeply submerged to attract attention, will now be sufficiently near the surface to become obstructions in their turn, and to require works for their removal.

The persistency of the principal bars is remarkable; indeed it is probable that many of them are only disturbed by the exceptionally great floods which occur at long intervals, and generally cause great changes throughout the whole length of the river. This persistency can only be accounted for by the sitting process before alluded to. Every minor flood sweeps out the lighter portions, leaving the heavier ones behind, and as this occurs year after year, it follows that the solidity of the bars must constantly increase, with the results stated above.

The fact that these bars remain in one place does not conflict with the general motion of the sand-waves, as the latter are formed of the loose materials lying along the points, or in the pools, and which receive constant additions every year from the caving of banks and the influx of the tributary streams. The permanent bars are deeply buried under this flood of sand, whose waves move on their course above them; it is only when the river has fallen considerably that their location begins to be apparent. The first motion of the sand-waves, caused by a rise, fills up all inequalities in the bed of the river behind the main bars, and even the beds of the pools are greatly raised.

It is always found that, during every low-water season, a limited number of bars show considerably less depth of water than the others, and hence form the gauge to which navigation must adapt itself.

As far as my experience goes, this is always due to local causes, as examination reveals the presence of an undue amount of gravel or other heavy deposit occupying not only the site of the high-water channel, but that of the low-water channel also. This rule I believe to be invariable, and I regard the proper apprehension of it to be of the greatest importance.

Where bluffs are near the river much gravel is brought in by small creeks, and such localities are almost always troublesome, especially if they be near the mouth of some tributary which is liable to bring in considerable sediment.

On the Lower Mississippi this cause is not of frequent occurrence, but it is, nevertheless, gravel in the low-water channel which causes the trouble. I account for this unlooked-for deposit as follows: in the constant changes which have been going on in the river, it has frequently happened that a combination of circumstances has directed the ordinary and low-water channels of the river over ground which had formerly been

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occupied only at high water, and in such cases great beds of gravel, due to old floods, are uncovered, either on the banks or in the bed of the stream, and being washed into the low-water channel, retard the process of cutting-out, besides producing other complications.

Another agency must, however, be noted here: as already stated, the sand-waves move on, irrespective of the permanent bars below them, and it may, and quite often does, happen that a large wave may stop on one of these bars when the river falls; when this occurs the crest of the bar is of course much raised above its usual height, and it will become a prominent obstruction for the time being. As a general rule the next flood removes it, although in some special instances several seasons have been required for the purpose. When an engorgement of this kind takes place at a bar which would be troublesome under any circumstances, the effect is very marked, the ponding back of the water extending over very great distances. Thus, in the low-water season of 1871, the bar at Turkey Island, about sixty miles below Saint Louis, was gorged in this manner, giving only 4 feet available depth, with a very changeable channel. The water was so backed up that the gauge at Saint Louis read five feet above low water, although at all other points along the river below the bar it seemed to be at its lowest stage. The bad bars between Saint Louis and Turkey Island never had less than 7 feet of water over them while this gorge lasted, whereas their depth the next year was less than 4 feet. During the same season Reeve's Bar, just below Memphis, was gorged in a similar manner, with a channel-depth never exceeding 4½ feet, and in consequence the bars between Memphis and Cairo gave not less than 6 feet of water instead of 4½ feet, which is to be expected under ordinary circumstances.

In all cases of bars which are habitually bad we find an unusual width of river. This is due to the action of the gravel-deposits before mentioned, by which the low-water current is directed against the banks, rapidly eroding them, and the channel being already choked with sand keeps constantly shifting, while the current attacks both shores indiscriminately. In this way a great width is soon attained, and the regular bar-formation is entirely broken up. The gravel and other heavy materials brought down by the flood-current are deposited without order or regularity, and as the great width of the river reduces the current-velocity, deposits of gravel, &c., arriving from above, are stopped in these wide reaches, as the current is not strong enough to keep them in motion. By the sifting action before mentioned the lighter materials are swept away, while the heavy ones remain, and they are frequently distributed across the whole width of the bed; the low-water discharge is obliged to force its way through these heavy deposits, the result being a very shallow channel, uncertain in location and constantly shifting.

In cases like this, the obvious method of improvement needed is to restore as much as possible the curved channel-way, which alone secures permanence or regularity of action, as by this means the high-water channel will be separated from that of low water, and will be at liberty to deposit its gravel, &c., where it will do no harm. The width of the stream must at the same time be reduced to its usual amount, and the reach may also require to be shortened, so as to increase the slope and velocity to the proper extent. It is quite probable, too, that in a case of this kind, dredging on the line of the proposed low-water channel would be highly beneficial, as it would hasten the cutting out of this channel, and lessen the danger of the current seeking some easier but less desirable outlet than the one selected.

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It is frequently asserted, and no doubt with truth, that navigation on these streams is constantly and steadily deteriorating; this, it is stated, is due to the fact that the floods are more violent, and of shorter duration than formerly, the reason being that owing to the great increase in the extent of land under cultivation, the rain-water falling on it is at once absorbed, and speedily finding its way into the river, runs off and is lost. Before the ground was cultivated the tough prairie-sod was almost impervious to water; hence the rain-fall was stored up on the surface, and was only drained off by degrees. The floods were therefore less violent and of longer duration than at present.

But this is not the whole trouble. Violent freshets, as has already been explained, bring down greater masses of sediment and cause greater erosion; the wash of steamboat-wheels, and the many influences which men exert upon these rivers, also cause a great increase in the rate of bank-erosion, both on the tributaries and on the main stream. From all these causes it follows that the amount of sediment yearly poured into the Mississippi is steadily becoming greater, and the depth on the bars is decreasing. Many persons have inferred that there is even danger of the stream raising its bed, but this apprehension seems to be without foundation; for as long as the banks offer so little resistance the stream has no difficulty in obtaining all the channel-way needed, and hence no rise in the level of water-surface is likely to occur; it has but to destroy the banks, leaving the heavy deposits of the bed untouched. From this action results a great increase of width, and the depth must be reduced in like proportion; owing to the decrease in scouring force; moreover, the bed being wider, the channel is not forced to one definite location, but has unchecked opportunity for annoying changes.

Within the memory of living pilots the shoal water has extended down from Plum Point, one hundred miles above Memphis, to Lake Providence, fifty miles above Vicksburgh, a total distance of 450 miles; and as these disturbing causes will act with more vigor every year, it is time that we should fairly face and realize the fact that, unless speedily checked, there are natural causes at work which will eventually destroy the navigability of the Mississippi and its tributary streams.

From what has been said it may be readily inferred that a wholesale revetment of the Mississippi banks would entail the gravest consequences; the bed would infallibly be raised by the accumulation of deposits, and disastrous inundations would result.

The influx of sand from above must first be stopped, then the river will have a chance to clear itself, and, as its width contracts, the shores can be revetted to prevent any further injurious changes.

Before entering on the subject of improvement, however, it will be well to describe briefly the manner in which boats usually run, either from convenience or necessity, as must necessarily have an important bearing on the subject.

During extreme flood-stages the bars are deeply submerged, and the current, as before stated, approximates in direction very nearly to the shape of the river. Down-stream boats run pretty nearly in mid-stream, occasionally nearing the bend-shore when the curvature is considerable.

Up-stream boats, however, keep as near the points as possible at this stage, and also use the chutes, for although they meet a stronger current the distance saved is so great as to compensate for the disadvantage of additional resistance. As the water falls the chutes soon get too shoal for safe navigation, and the water begins to draw away from the points and into the bends; down-stream boats then have to run the concave

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shores or bends, but up-stream boats keep up over the bars as long as it is safe to do so. Finally, the water begins to pond up behind the bars, and the depth on the crest decreases until a breach is formed, or, as the pilots say, "the bar cuts out," and through this gap both up and down stream boats must pass, and as the water continues to fall this cut fills up, and after a time another one forms, but higher up stream, and generally of less depth. This process is usually repeated several times, till finally the channel may lead square across the stream, and be neither wide enough nor deep enough for the wants of navigation. Such is the usual programme, which, however, may be considerably varied.

The cutting-out process explains the anomalous fact that the river may fall considerably with decided advantage to navigation, while a rise may produce diametrically opposite results by filling up the cuts through the bars, without giving depth enough to go over them. Occasionally, however, the river falls so low as to be utterly unable to maintain a channel, and in this case a small rise generally does much good by increasing the volume of discharge and cutting out a good channel through the bars; but to effect this it must not of course be high enough to flow over them.

A long stand at one stage is also advantageous, as it gives time for the water to concentrate and gradually to cut out a channel.

Such being the principal facts observed, it remains only to consider the principles upon which an improvement should be based.

It must first be laid down as a cardinal principle that no work should be allowed which will interfere with the present navigation. As boats, during high stages of water, depend upon the use of the various chutes and other similar channels, as an important means of saving distance, it would manifestly be improper to project any works which would prevent this use, except in cases of absolute necessity, and it is thought that such cases will be very rare.

As I have endeavored to show, the small depth on the bars is due to the reduction in velocity and scouring power which follows a diminution of the discharge; hence, it follows that the remedy should consist in increasing the velocity to the extent necessary to accomplish the work desired.

No matter how low the Mississippi may be, there is always a sufficient amount of water passing to form and maintain a channel of the width and depth deemed necessary for the wants of navigation, but this water is scattered over so wide a channel that its capacity for work is nowhere utilized. It therefore follows that, by a proper amount of contraction applied to this wide, shallow channel-way, the volume of water can be so far concentrated as to furnish the scouring-power needed.

It must be remembered that all channels through the bars, whether natural or artificial, will be filled up when the sand-waves begin to move. The tardiness with which they again form naturally is the great impediment to navigation, and the object of any works of improvement must be to hasten and direct this process, so that the channel will always be found in the same location, will be formed promptly, and will furnish the depth deemed necessary for navigation.

From what has been said before regarding the distribution of the materials moved by the water, it must be evident that some portions of the bars will offer far more resistance to erosion than others, and as these points are to be found in the high-water channel or channels, it would therefore seem a matter of common prudence to avoid these channels, in order to lessen the labor imposed upon the works of improve-

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ment. If these works are so planned as to direct the new channel to a point known to be in the line of high-water deposits, the work of preliminary excavation will be manifestly far more difficult than if lighter materials only were to be moved; and, moreover, each flood will fill up the new channel with these same heavy deposits, which must as often be removed.

It should, therefore, be laid down as a general rule, that, in the improvement of these rivers, the artificial channels should never coincide with those of high water unless the special advantages to be gained are such as to balance the enormously increased expense and risk. It is not, of course, meant by this, that the artificial channels should be made as indirect as is frequently the case when formed naturally; the increased scouring force due to the works of improvement will, as a general rule, render this unnecessary, and there is of course opportunity in this, as in most other things, for the exercise of good judgment.

Having settled the direction of the new channel, the next thing is to determine its dimensions, which should not be unnecessarily great, lest the pool above be drained off too rapidly. A safe rule to follow is to so proportion the opening that the total discharge over the bar may not be increased by the works of improvement, or, in other words, a sufficient portion of the water flowing *over* the bar must be cut off, and be made to flow *through* the bar and on the line selected.

The works necessary to accomplish this purpose will consist of dikes built out from one or both shores.

Where several channels exist one or more may be closed by dams, and this method, where practicable, has many advantages; it allows both ends of the dike to be secured, whereas in an ordinary spur-dike only the shore-end has this advantage, and in general the work of construction will be much easier.

In deciding which channel to close it is only necessary to find and choose those through which the flood-waters pass. As I have previously stated, these channels are generally only navigable at high water; they are filled with the heavy deposits of that stage, and should therefore always be closed in preference to the others. In some instances there will be but little choice in this respect, and when this is the case the channel offering the best general advantages may be left open.

The height given the dikes will depend upon the work expected of them. They should obviously be kept as low as possible, both from motives of economy and in order to impede the flood-discharge as little as possible. This matter also affects navigation very materially, especially where any of the minor channels are closed; as these are navigated up stream at high water, or in fact whenever there is enough water to admit a boat, it follows that any works erected in them should interfere as little as possible with up-stream navigation.

A certain height is, however, necessary, in order that the dike or dam may begin to deflect the water in the desired direction before its volume and scouring capacity are too much diminished; and I think that a height of 10 feet above extreme low water will probably be sufficient for this purpose, while the injury to navigation will be small.

The precise manner of constructing these dikes must be largely a matter of experiment. They will usually have to be built on sand or, at best, gravel, and must therefore have a broad bed of brush to prevent them from sinking; above this the dike should be composed of layers of brush, weighted down with broken stone. The root of the dike, that is, its junction with the bank, must be well secured to prevent the water from getting round it.

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In some cases it is thought that training-dikes may be needed to deflect the high-water discharge from that portion of the river-bed through which it is desirable to cut the low-water channel; these works will be more costly and difficult of maintenance than those already mentioned, but the method of construction will be the same. They should only be resorted to where it is absolutely necessary.

In order to hasten or assure the formation of the new channels on the selected lines, dredging will, in some cases, be of service, and this will especially be the case where it is necessary to take the channel through a bed of heavy deposits. These may be dredged out to advantage, for, if the contracting or training-dikes are properly located, they will not be likely to deposit again, but it must be distinctly understood that the dredging recommended is only conditional upon the erection of the other works. Without them it would be of no service whatever.

In order to prevent injurious changes of channel, which might destroy the effect of existing works or necessitate the construction of additional ones, a large extent of bank must be protected, and this item will be by far the most expensive and the most difficult portion of the improvement. The great height of the banks, the depth of the water, and the treacherous nature of the banks themselves all combine to form a problem exceedingly difficult of solution. Either a succession of stone dikes or a continuous stone revetment may be used; both are very costly, the latter the most so, more especially as all the stone required will have to come from the Ohio or Upper Mississippi. Experiment may determine some cheaper material, or combination of materials, and it is very desirable that such should be the case.

Finally, the security of navigation demands the removal of the snags and wrecks which incumber the bed of the river.

The removal of snags is a work of indefinite duration, and a fleet of boats must always be kept up for that purpose.

The removal of wrecks, although a good deal akin to the former, is nevertheless a work of far less extent, and may be completed in a few seasons. Special machinery is, however, required, and a boat should be properly fitted up for this special service, and be kept at work until the wrecks are all removed.

SPECIAL DESCRIPTION.

Having now given a description of the general characteristics of the river and of the causes operating to the prejudice of navigation, I shall describe as briefly as possible those places of difficult navigation which give less than 10 feet water at all stages. They are arranged in the order in which they are met with after leaving Cairo, and their approximate distance from that place is also given.

Wolf Island, 30 miles from Cairo, and just below Columbus, Ky.—This island divides the river into two channels, of which the left-hand one only is generally used. The right-hand channel is only available during high water. Just above here are bluffs, and the river is unusually narrow and deep. The washings from the bluff have obstructed the channel below to some extent, and have caused an undue erosion of the banks, thereby widening the river and shoaling it. *Least depth of water 8 feet.*

Phillips's Bar, 57 miles from Cairo and 5 miles below the foot of Island No. 8, (Sketches Nos. 1 and 2.)—This shoal is probably caused by gravel from the Hickman bluffs, which is washed down through the chute of Island No. 8. As is usual in such cases, the width of the river

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has been greatly increased by bank erosion, which in this instance, however, seems to have been beneficial, by enabling the low-water channel to avoid the gravel deposits. In 1863 the channel led from Shotwell field to Phillips's house, directly through the gravel bar, and the depth at low water was only 4 feet 2 inches. It is now, however, below this bar, and the depth has not for some years been less than 7 feet, and there will probably be no further trouble, till the advance of the gravel shuts out the present channel also.

Island No. 10, 67 *miles from Cairo.*—The river here is very wide, and the bed is much obstructed by wrecks. Owing to these causes the channel is shifting, and *gets down to* 8 *feet.* The banks throughout the bend above are caving very badly, thus adding to the trouble below.

New Madrid, 80 *miles from Cairo.*—In the bend below town, just above Dr. Martin's, (Sketch No. 3,) the river is much obstructed by rack-heaps, and the hulls of steamboats that have been wrecked on them. The depth of *water at low stages is 7 feet.*

Point Pleasant, 87 *miles from Cairo*, (Sketches Nos. 3 and 4.)—This is one of the habitually bad places. The river, as will be seen, is nearly double its usual width, and the bed is covered with gravel deposits. This gravel is probably due to old changes in the river, as it is known that several islands have been lost sight of in this neighborhood, and it is quite possible that the present channel leads through some of the old high-water deposits. As might be expected from its general characteristics, the channel at low water is shifting and uncertain. It generally gets down to 6 feet, and has been as low as 4½ feet.

Tiptonville, 91 *miles from Cairo*, (Sketch No. 4.)—The river here is also very wide, and the channel is somewhat shifting. It gets down to 8 feet.

Head of Island No. 16, 116 *miles from Cairo*, (Sketch No. 5.)—The river here spreads out to a width of 1½ miles, and is proportionately shoal. There are two low-water channels, as indicated, which have about the same depth of water. There are very extensive rack-heaps in the river opposite Bell's Point, which, by deflecting part of the water toward the Tennessee shore, may have caused the trouble here. The low-water channel depth is six feet.

Island No. 18, 126 *miles from Cairo.*—There are three channels here, although only the extreme left-hand one is now generally used. The best water is sometimes in one, sometimes in another, and the least depth is 8 feet.

Island No. 21, 136 *miles from Cairo.*—There are two channels here. The right-hand one above is used. It is a good deal obstructed by wrecks which have caused the formation of a large bar along the Missouri shore, above Mrs. Hickman's. The channel goes outside of this bar and gets down to 7½ feet.

Head of Island No. 26, 152 *miles from Cairo.*—River wide and channel somewhat shifting; sometimes becomes troublesome, but the usual depth of late has not been less than 9 feet.

Plum Point.—Sketches Nos. 6, 7, and 8 show the river around Plum Point, which has always been regarded as the worst place on the river. The length of this reach, which extends from foot of Island 26 to the head of the bluffs at Fort Pillow, is 20 miles. The width of the river varies from one to three miles, and there are several islands and many immense sand-bars which are dry at low water. This reach exemplifies in the fullest manner the troubles attendant on excessive width, which have been described in a previous portion of this report. The low-water channel may be found anywhere between the two banks; it is con-

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stantly shifting and is often much divided. The bed of the river has become a receptacle for the gravel carried by the current at high water, and the incessant erosion of the banks tends to keep up this bad state of affairs. The improvement of this place will require careful study.

Foot of Island No. 26, 157 *miles from Cairo*, (Sketch No. 6.)—This is the first crossing in Plum Point Beach, and is liable to change slightly. It gets down to 5½ feet.

The next crossing, *Fletcher's*, (Sketch No. 7,) is changeable, and sometimes shoal. At present, it leads very squarely across the river, but gives 10½ feet.

Elmot Crossing, (Sketch No. 7,) the next below Fletcher's, is also changeable, but at present gives 12 feet.

Foot of Island No. 30, 166 *miles below Cairo*, (Sketch No. 7.)—This is the next crossing below Elmot's. It is very changeable and generally very shoal, often giving less than 5 feet.

Osceola, 170 *miles from Cairo*, (Sketch No. 7.)—This is next below the previous crossing, and has the same characteristics and depth. The last crossing in this reach, that at the foot of Bullerton tow-head, (Sketch No. 8,) is also frequently very changeable. Just now it is comparatively good.

Island No. 34, 184 *miles from Cairo.*—There are two channels here, but the one down the chute is the best and is now always used. It gets down to 8 feet.

Devil's Elbow, 215 *miles from Cairo*, (Sketch No. 9.)—The channel has, for many years, been down the chute of Island No. 37. This has, however, caused gravel-bars in the old channel to produce an undue erosion of the banks below the island.

The crossing from the foot of the chute to Sexton's gets down to 6 feet, the lower crossing from Point Able to Charley Morris's gets down to 8 feet.

This portion of the river is extraordinarily crooked, and the bends have become so long that they all have a tendency to fill up, the chutes thus becoming the main channels. As an example, Sketch No. 10 shows Brandywine Bend, the next below Devil's Elbow.

Fogleman's Chute, generally known as The Outlets, will, it is thought, become the main channel before many years.

Island No. 40, 234 *miles from Cairo*, (Sketch No. 11.)—The bend here is also very long, but there will probably be no change of channel until one occurs above. The chute is now dry at the head in low water. Above Redman's Point the river is very wide, and there are two low-water channels. Depth of water, 6 feet.

Just below Memphis lies President's Island, at the foot of which there are some very troublesome shoals. These are illustrated by sketches Nos. 12, 13, and 14. They are, I think, due, without any doubt, to the great masses of gravel which have been washed out of the bluffs at Memphis. The natural route for this gravel has been down the chute of President's Island, but enough has been deposited on the bar at its head to keep up a rapid extension of the bend, which is still going on. The gravel which passes down the chute is deposited in large masses on the bed of the river, from the foot of President's Island to the head of Cow Island, No. 47, and it is almost impossible for the low-water current to excavate a channel through it. There is a good deal of water goes down the chute at low stages, which might be cut off and sent down the bend, to assist in maintaining a channel through the gravel, but this will necessitate revetting the shores of the bend, which are already caving badly. Deflecting dikes below may also be necessary; but the main point, I

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think, will be, first, to dredge a deep, wide channel through the gravel, and then, if need be, to construct additional works to assist in keeping this channel open. The first of these shoals is at the—

Foot of President's Island, 257 *miles from Cairo*, and 8 miles from Memphis, (Sketch No. 13.)—This crossing gets down to 6 feet. The next one is at—

Reeve's Bar, 259 *miles from Cairo*, (Sketches Nos. 13 and 14.)—This is the worst of all, as it gets down to 4½ feet, and the channel is constantly changing.

Horn Lake, 261 *miles from Cairo*.—This is the lowest of these crossings; it is also changeable, and at times quite shoal; of late the least depth has been 7½ feet.

Harklerodes, 276 *miles from Cairo*.—Gets down to 9 feet.

Commerce, 287 *miles from Cairo*.—Gets down to 8 feet.

Below here the cut-off of last summer has completely unsettled the channel as far down as Bordeaux Chute.

Sketch No 15 is appended to illustrate what has been previously said regarding the method of formation of islands. This sketch shows the cut-off formed below Commerce last summer, which cut off Council Bend and made an island of Linwood Point. At the lower end, it shows an instance of the successive formation of islands outside of a point which accompanies the extension of a bend. This formation is a very old one, being shown on the maps of 1821 substantially as it is to-day, but within a few years, the elongation for the given slope having become excessive, Walnut Bend filled up, and the main channel is now down Bordeaux Chute. It seems quite probable that if the cut-off at Commerce had occurred earlier, this change might have been at least deferred, and it still remains to be seen how the channel here will ultimately be affected by the change above. If the filling up at Walnut Bend had not been so far advanced, there would, I think, be little doubt that it would have been re-opened by this change, but as it is, the lost length will perhaps be more easily regained by erosion elsewhere.

Ship Island, 311 *miles below Cairo*, (Sketch No. 16.)—The river here as shown is very wide; the channel is shifting and gets down to 5 feet.

Shoo-fly Bar, 315 *miles below Cairo*, (Sketches Nos. 16 and 17.)—This is a very bad place. The river is exceedingly wide, and, as usual, a gravelly bed and shifting channel are the results. There are deposits of gravel along the shores, and as a good many changes are known to have taken place in this neighborhood, it is quite possible that the trouble here may have originated with some of the deposits in the old high-water channels. Be that as it may, the present condition of affairs is such that further deterioration may be looked for, all the causes being at work, which have already been adverted to in general terms, and also described as in action at Plum Point. The low-water depth is 5 feet.

Helena, 329 *miles from Cairo*, (Sketches Nos. 17, 18, and 19.)—We have here a wide and comparatively straight reach of river, extending from the mouth of the Saint Francis to the foot of Montezuma Tow-head. The great width, probably due to the influx of the deposits of Saint Francis River, renders the channel exceedingly uncertain and changeable. At various times, too, some of the crossings have been very shoal, although this has not occurred recently. The lowest depth reported was, in 1863, 4½ feet.

Montezuma Bar, 334 *miles from Cairo*, (Sketch No. 19.)—This is also a very wide place; the channel shifts a good deal and gets down to 7 feet.

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Island No. 63, 356 *miles from Cairo.*—The river here is divided up into several channels, and the low-water depth is 8½ feet.

Head of Island No. 66, 375 *miles from Cairo*, (Sketch No. 20.)—The river here attains an undue width in the bend, abreast the shoulder of the island, and the water, being split up into several channels, generally fails to cut a passage of proper depth into the bend. The depth at low water is only 6 feet, and the channel is liable to change. The trouble was probably originally due to accumulations of rack-heaps, which arrested the moving gravel and caused the formation of bars, which the current is now unable to remove or cut through.

Head of Island No. 69, 395 *miles from Cairo.*—The channel at the head of the island gets down to 7 feet.

Choctaw Bend, 460 *miles below Cairo*, (Sketch No. 21.)—This is a very bad place, the low-water channel is shifting and uncertain, and its depth is only 5 feet. Rack-heaps at the head of the bend, and heavy gravel deposits on the head of Island No. 78, have caused a great widening of the river, at the expense of the Mississippi shore. From this has resulted a great decrease in scouring power, and the bed of the river is largely covered with gravel. The situation is so similar to that at Island No. 66, (Sketch No. 20,) that it seems quite reasonable to infer that similar causes being at work, the latter place will eventually be as troublesome as Choctaw is now.

Greenville, 507 *miles below Cairo.*—This crossing is sometimes shoal, but at present gives eight feet.

Vancluse, 515 *miles below Cairo.*—Is liable to sudden changes, but generally gives 9 feet.

At Skipwith's Landing, 560 miles from Cairo, begins a very troublesome piece of river, which extends to Short's Landing, below Lake Providence, a distance of about 17 miles. In this distance there are usually 5 crossings, all of which are very shoal at low water and are constantly changing. The river is very wide. Not more than 5 feet can generally be counted on at low water on any of these crossings. This is usually the lowest of the very bad places; below here from 7 to 8 feet can generally be found.

The condition of the bars at Lake Providence has considerable influence upon the condition of affairs at Choctaw Bend, 100 miles above. When Lake Providence is very bad, Choctaw is usually good, while the amelioration of the lower shoal (Lake Providence) soon causes the bad water at Choctaw. This shows conclusively the effect of these bars in ponding back the water above them, and, at the same time, serves as an illustration of the results which would follow too lavish a tapping of these natural reservoirs.

The first of the bad crossings is at the head of Island No. 93, 564 miles from Cairo, (Sketch No. 22.) Channel depth at low water, 5 feet.

The lowest crossing is opposite Lake Providence, 572 miles from Cairo, (Sketch No. 23.) Channel depth, 5 feet.

Island No. 95, 585 *miles from Cairo.*—Tallula Bend is a good deal similar in general shape to that of No. 66 and Choctaw, but the channel depth is not so much affected. It gets down to 8 feet.

Terrapin Neck Cut-off, 610 *miles from Cairo.*—There are two channels here of nearly equal depth. The least depth is 9 feet.

The effect of very extensive bank abrasion was well shown last summer, in the harbor of Vicksburgh, Miss. After the subsidence of the great flood of 1874, the shore of the point opposite Vicksburgh caved in to an enormous extent. The sand thus precipitated into the river

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was washed down into the bend below, and the crossing from Vicksburgh to Delta, which usually is over 20 feet deep, was shoaled to 8 feet. It is supposed that the next high water will remove this shoal, and it is only mentioned to show what very extensive and far-reaching effects may be produced by causes which, at first sight, may appear to be purely local. At the same time the bend of Diamond Island, 16 miles below Vicksburgh, filled up and the channel established itself permanently in the chute. This change was also probably due to the excessive bank erosion at Vicksburgh.

Bonjurant's Point, 690 *miles from Cairo.*—The crossing from above the Point to Bruinsburgh gets down to 9 feet. The river is wide.

Hole in the Wall, 730 *miles from Cairo.*—The river here is very wide, and the channel depth gets down to 9 feet.

Natchez Island, 760 *miles from Cairo*, (Sketch No. 24.)—The river at the head of the island is quite wide, and there are several channels. At low water there is usually about 7 feet channel depth, although it is said that there has been as little as 4½ feet. If this information is correct, there is of course a possibility of a recurrence of this undesirable state of affairs. The bar is probably caused by gravel washed out of the Natchez bluffs, 6 miles above.

Saint Catharine's Bend, 765 *miles from Cairo.*—The river here is very wide, and split up, the bars being probably in a large measure due to the same cause as the one at Natchez Island.

The low-water channel depth is 8 feet.

Glascock's Island, 779 *miles below Cairo.*—The river here is very wide, and recent changes in the channel have set the banks to caving at a rapid rate. Ellis Cliffs, 6 miles above, have probably contributed largely to the formation of the bars here. The low-water channel-depth is 7½ feet.

Jackson's Point, 793 *miles from Cairo.*—This crossing gets down to 9 feet.

Mouth Red River, 822 *miles from Cairo*, (Sketch No. 25.)—A bad bar is frequently formed here by the deposits of Red River. The depth over this bar is often less than 10 feet, and is said to have been as little as 4½ feet, though it seems hardly probable that this is likely to occur frequently. It could only have been caused by a great flood in the Red River pouring out while the Mississippi was very low. Below Red River there is believed to be always at least 10 feet of water.

From this list it will be seen that between New Orleans and Cairo there are forty-three localities, scattered over 822 miles of river, where less than ten feet channel depth may be looked for at low water.

There are thirty-five places where less than eight feet is to be expected, twenty-two which give less than seven feet, nineteen less than six, and thirteen less than five feet. At all these places from 5 to 12 miles of river will need to be improved, and there is no doubt that works will be needed at many places not here enumerated, either to prevent injurious changes in the channel, or else to protect the works of improvement themselves.

The cost of the work, if carried to the full extent recommended by the committee, will therefore be very great, and, until some work of this description has been tried, it would, I think, be quite unsafe to pronounce the undertaking feasible at any reasonable cost.

It must be borne in mind that no such work has ever yet been even attempted on the Lower Mississippi, so that we have really no experience upon which to base a decision; we only know that very great and exceptional difficulties are to be expected.

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The cost of building and maintaining the dikes destined to contract the channel will be nearly as formidable an item as that of the extensive bank revetments needed. These will be absolutely necessary to prevent the dikes from being cut loose from the shore, and also to stop the caving of the banks where injurious channel changes might result from a continuance of this action. As it is not an uncommon thing, even at low water, to find a depth along these caving banks of 50 or 60 feet and upward, and as the caving usually extends over lengths of many miles, the cost of protection, whether by continuous revetment or by spur dikes, will manifestly be enormous. It is therefore a matter of prime importance to keep this item of expense at as low a figure as possible, by care in locating the works of improvement, and by thorough experiments on different plans of bank revetment.

It must be remembered that the success of an improvement based on the employment of dikes depends primarily on their stability, as they act in the manner of dams and are liable to be undermined, to be overturned by the water pressure, or to be detached from the shore. The first danger is due to the treacherous bed on which the dike must be constructed, and can only be guarded against by the liberal use of brush as a foundation, in order to distribute the weight over as large an area as possible, and also to act as an apron in preventing scouring of the bed. In order to prevent overturning, a broad base is necessary, and the brush should be well ballasted with stone and also further secured by piles. The danger of being flanked or detached from the shore is the most imminent, and arises from instability of the banks. As before stated, the banks are eroded much more easily than the bed can be excavated, and any great resistance to the free flow of the water will be almost certain to increase the rate of bank abrasion at the site of the obstruction. This will render necessary the protection of the bank as stated, but I think that this expense may be materially reduced by proper precautions. It should be remembered that the duty usually imposed upon the current by an improvement of this nature is twofold: in the first place, it is expected to excavate a channel, and in the second place to maintain it; and of these two duties the first is infinitely the more difficult, while the second is the more important. The greater the amount of excavation required the greater must be the amount of contraction; in fact, usually far greater than would be necessary to keep the channel open when once formed. The protection of the banks must also be very thorough, or the dikes will be washed away and the whole work will be very costly, and even liable to defeat its own object by an undue amount of scouring, which would unduly lower the pool above and also render the artificial channel liable to be blocked up by sand, thus unnecessarily brought in. For these reasons I think that the scouring effect should be kept at a minimum, and hence the importance which I attach to separating the high and low water channels, in order that the latter may be filled only with light, easily moved materials, instead of gravel and other heavy deposits of high water. For similar reasons I believe that the whole preliminary work of channel excavation should not be thrown upon the dikes, but should be largely performed by dredges. After this channel is once formed, if properly located, it will only fill up with comparatively light materials, which will be easily swept out by the concentration of flow due to the dikes. Even should this force not prove sufficient I would still advocate a sparing use of dredges every season, in preference to increasing the dimensions of the dikes beyond the extent necessary to simply maintain the channel when once formed. I think that the rule already mentioned, viz, to maintain

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unchanged the amount of the discharge over the bar, but to concentrate it into a comparatively narrow and deep channel, will prove a safe one.

I trust that I have given reasons enough to show that on this river the necessity of a full knowledge of all the facts in the case is absolutely necessary, before any estimate of cost can be made. Such knowledge can only be furnished by a thorough and exhaustive survey of the whole river, likely to need improvement.

While I consider that the attainment of 10 feet navigable depth at all stages is *possible*, I am very certain that the cost would be quite prohibitory, if the full improvement were to be taken in hand at once. Moreover, I think that the final cost would be very largely increased by such a procedure, owing to the great expense attendant on possible, and probable, mistakes in the location and construction. It is well also to remember that immense quantities of sand, the accumulation of years, must be moved out of the way before the work is completed, and that any very extensive and general disturbance of the bottom would certainly break up the normal regimen of the river, and probably produce complications of the gravest kind. I think, therefore, that the proper course to follow, will be to make the improvement gradual and in a manner tentative.

To increase the low-water depth from 4½ feet to 6 feet, is, in my opinion, about as much as should for the present be attempted. This, in all ordinary seasons, will probably guarantee 8 feet except for, probably, at the most, a few days in each year.

After this depth shall have been obtained, it will be easy to gradually increase the scope of the improvement, and ultimately it may be brought up to the full standard deemed desirable.

Experience gained in the preliminary work will form a certain guide for the more costly and extensive construction, and expensive and disastrous mistakes can probably be avoided.

A thorough survey from Cairo to the mouth of Red River cannot be made for less than $75,000. The work could all be done in one season, or spread over several, as might be deemed most desirable.

The work of improvement could, however, be begun on the small scale recommended on the upper portion of the river, say between Cairo and Memphis, during the coming season, as soon as the survey of that portion of the river had been completed. At all events, everything could be got in readiness for work, and the necessary outfit of steamers, barges, dredges, and other machinery could be procured; material for the dikes could also be got together, so that no time need be lost after the work had been definitely laid out.

I should therefore recommend for the coming season an appropriation of $200,000 to be applied to the improvement of the river between Cairo and the foot of Reeves's Bar, just below Memphis, a distance of about 250 miles.

For the surveys necessary in this same section $25,000 will be needed; and for a survey of the remaining portion of the river $50,000 additional.

The survey should be begun as soon as possible, and completed during the summer low water. The work of improvement could probably be begun during the following winter.

Respectfully submitted.

CHAS. R. SUTER,
Major Engineers, U. S. A.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

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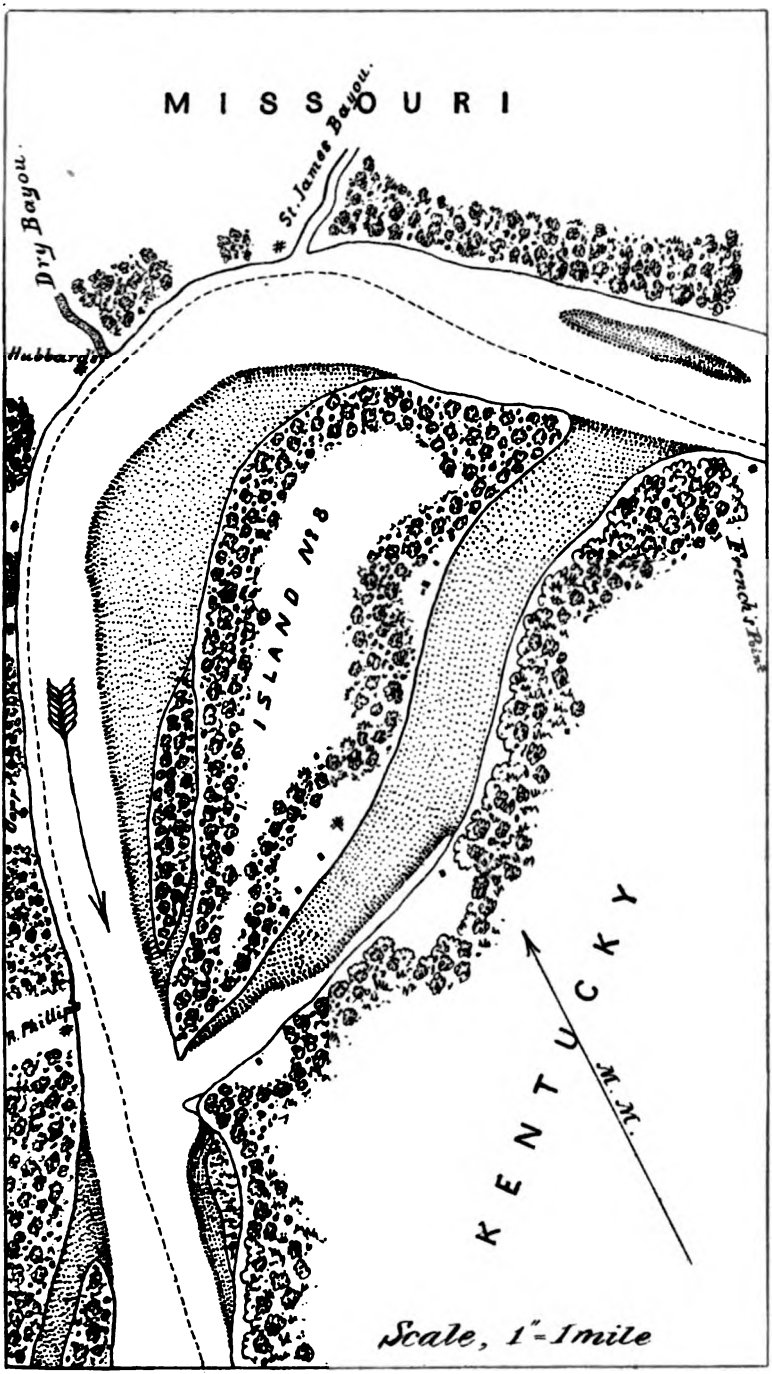
MISSISSIPPI RIVER, SKETCH NO. 1.



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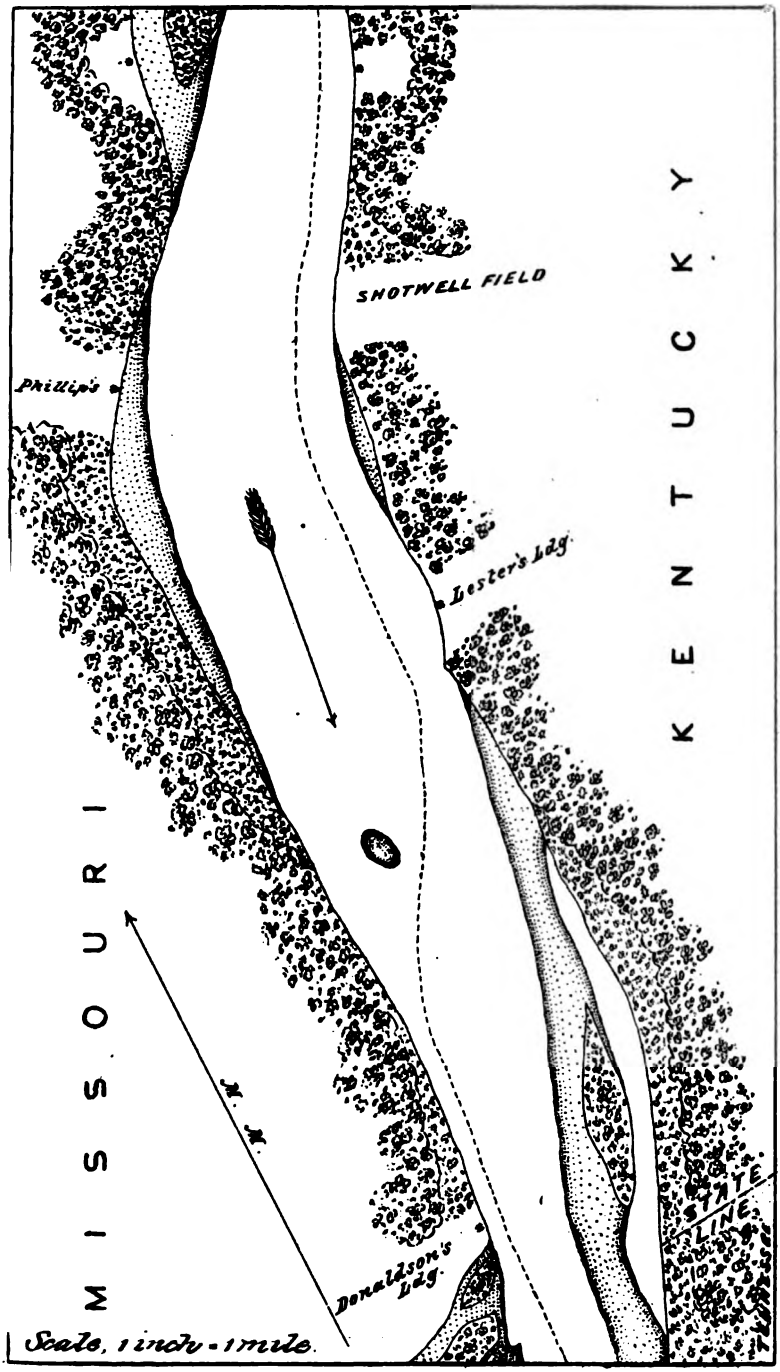

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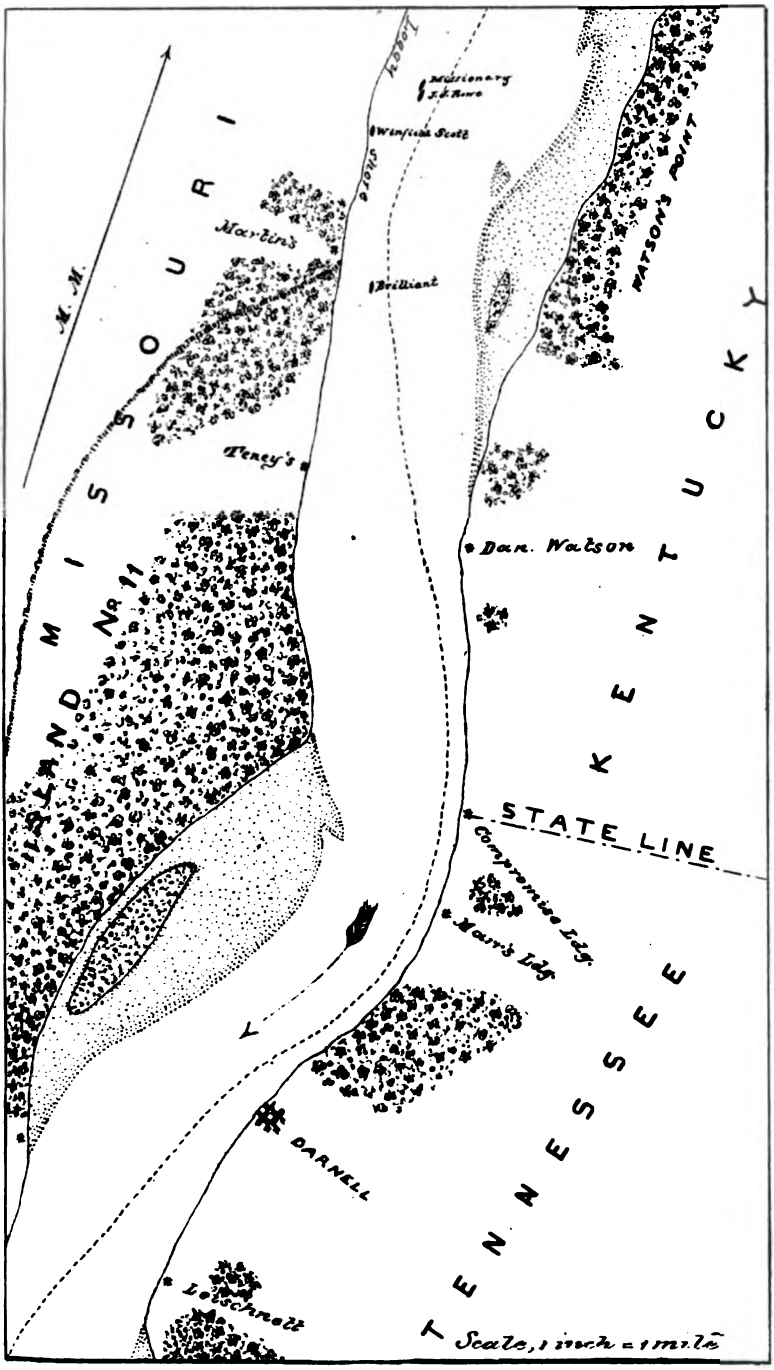

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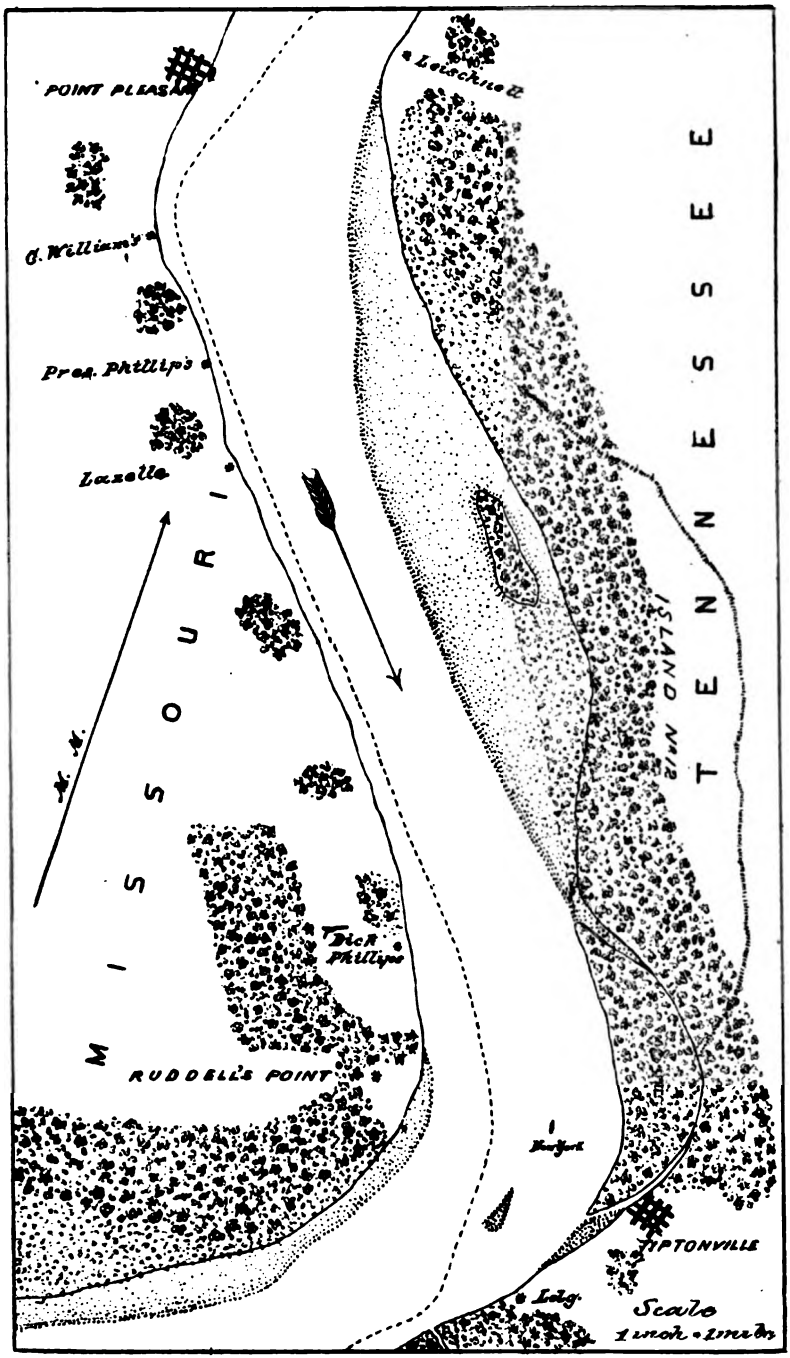

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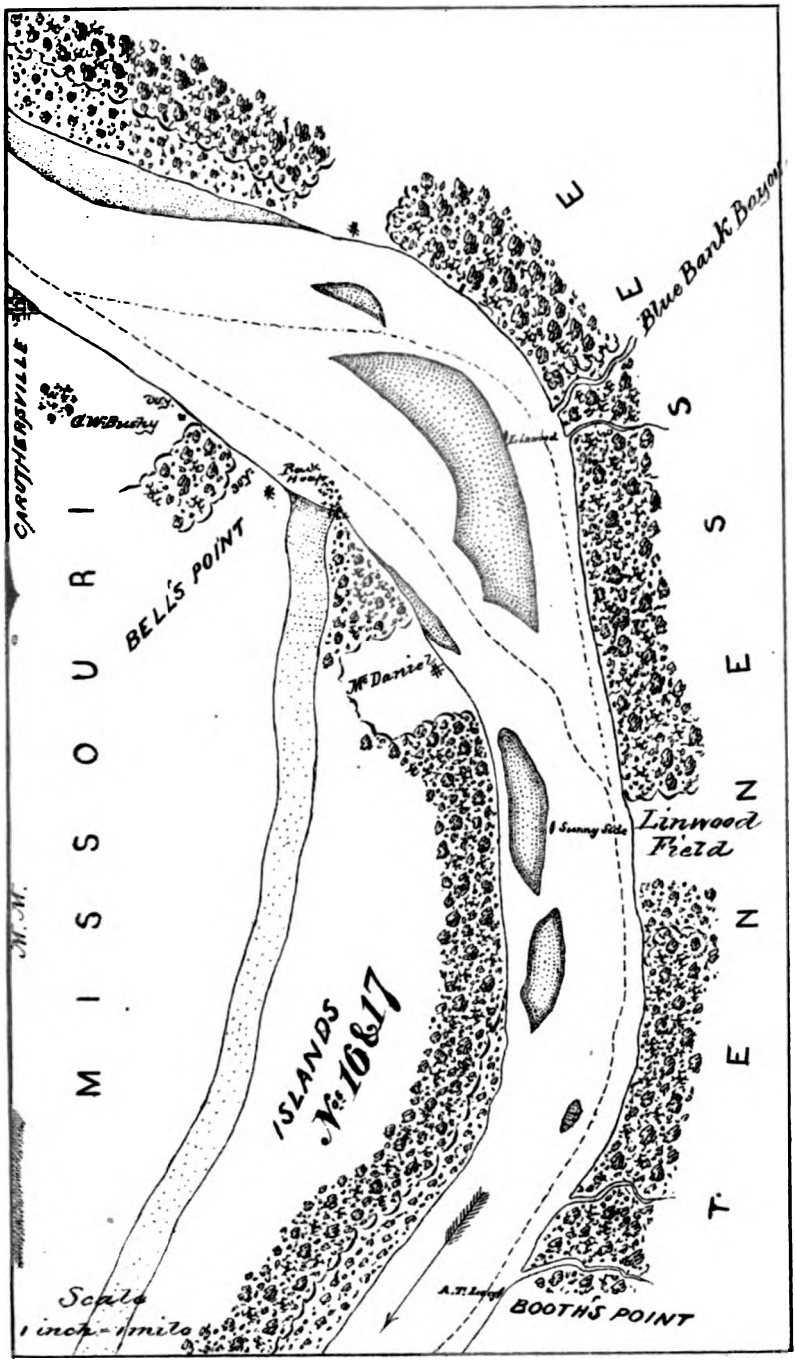

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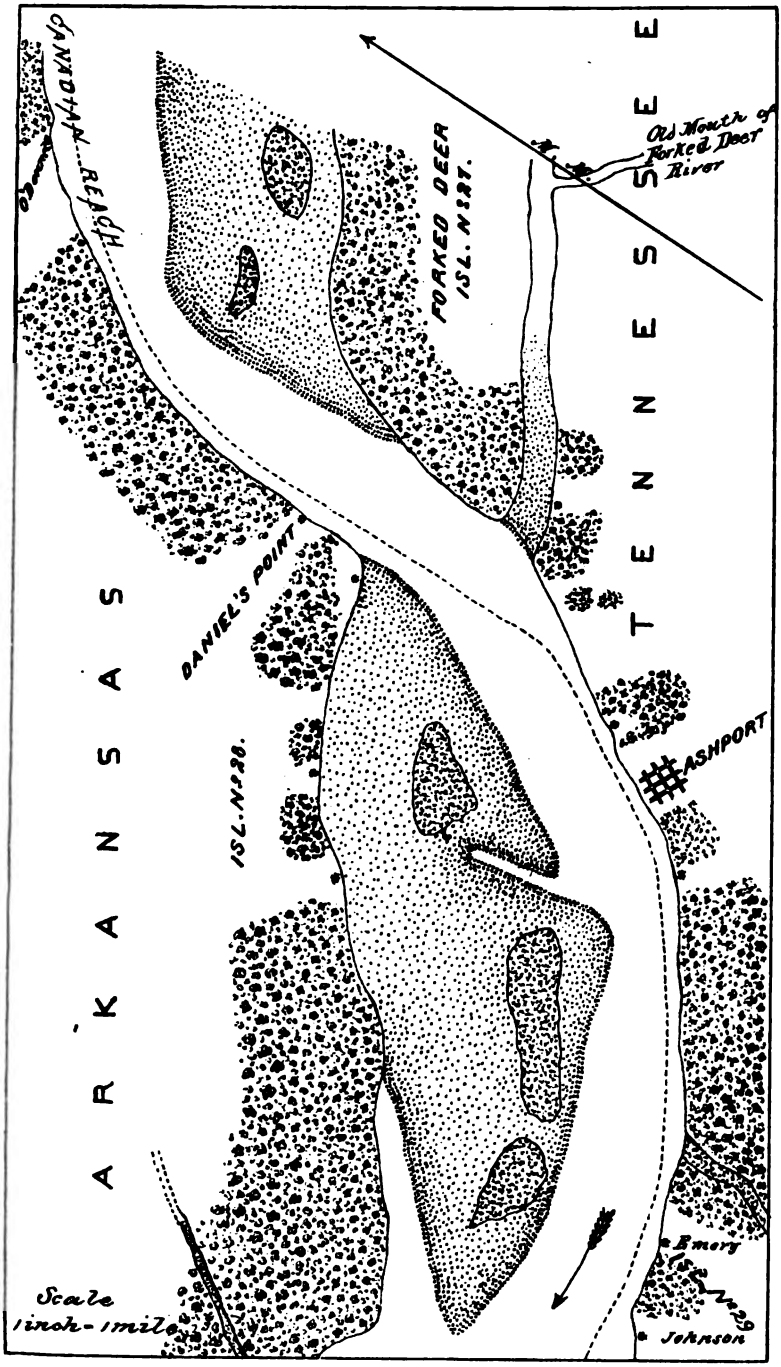

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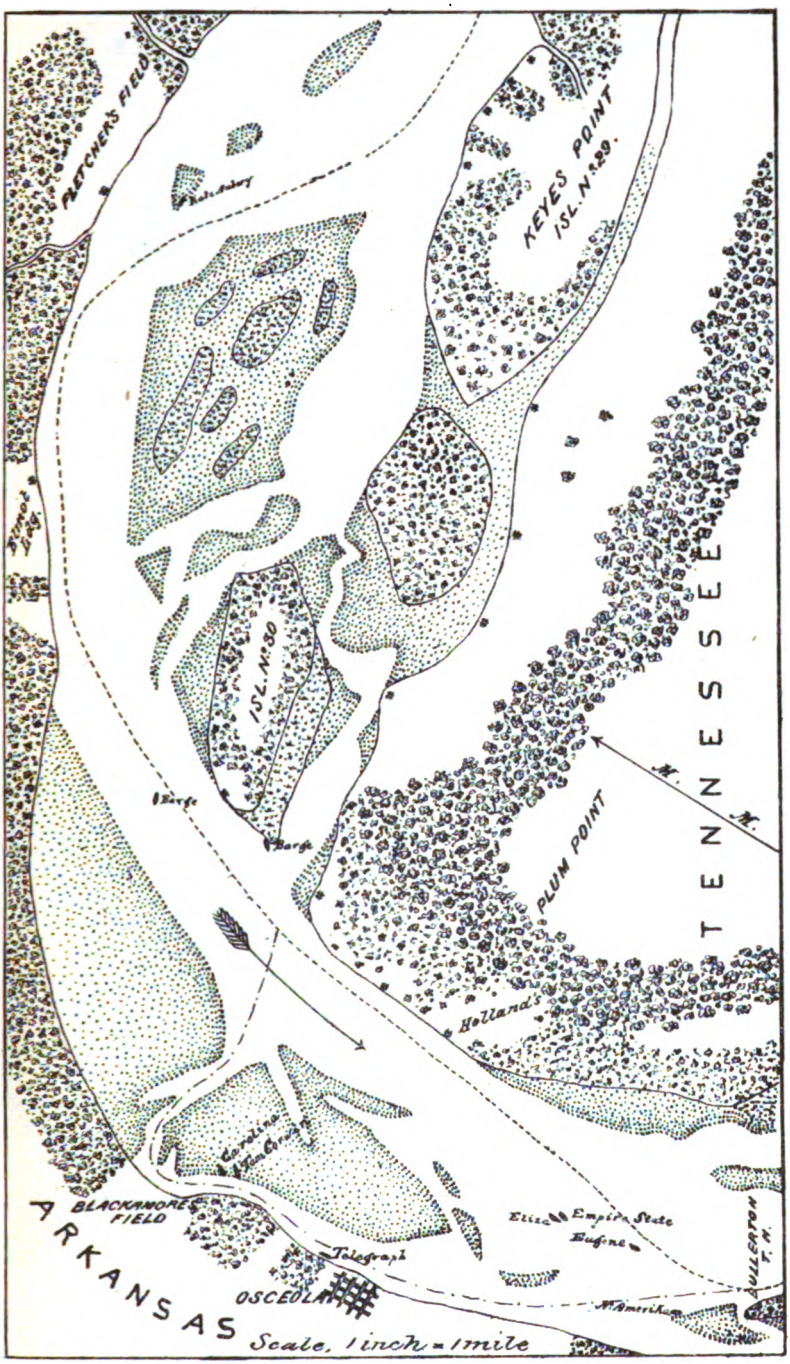

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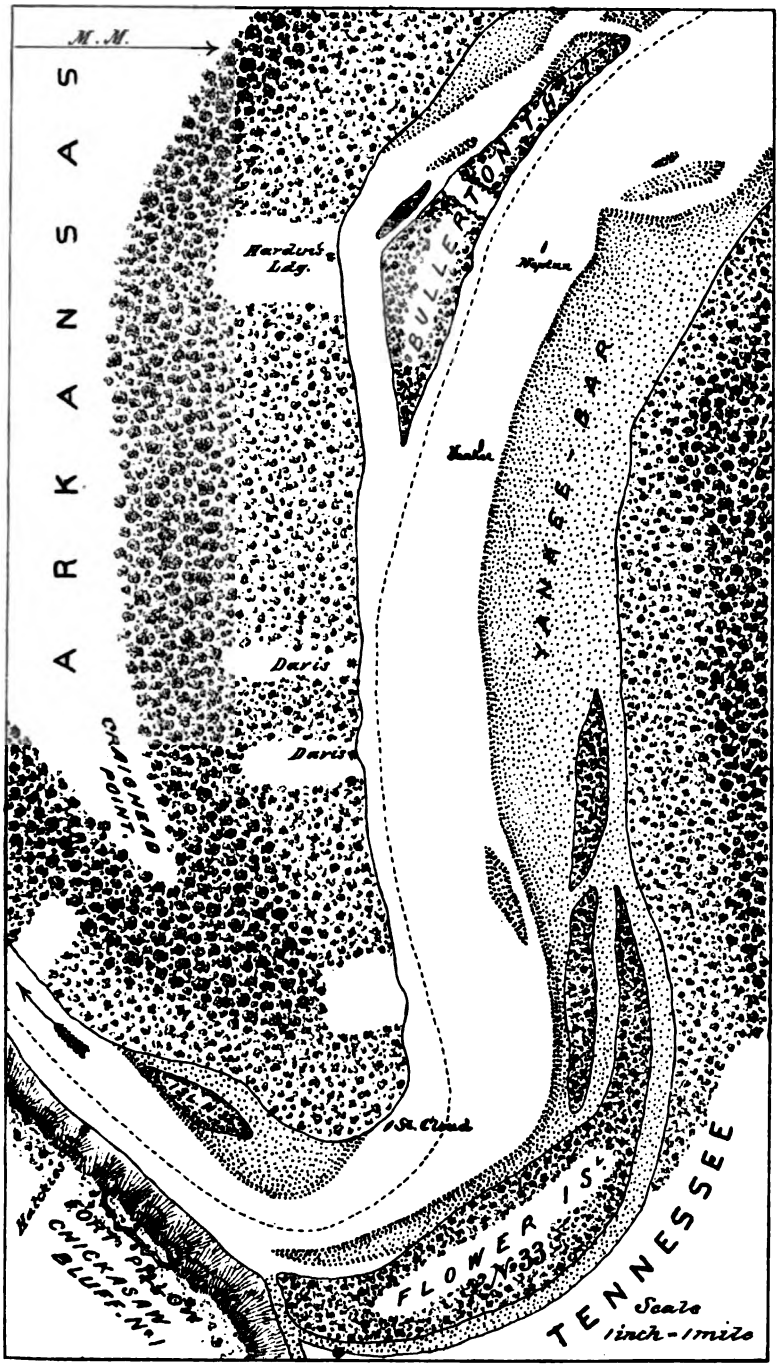

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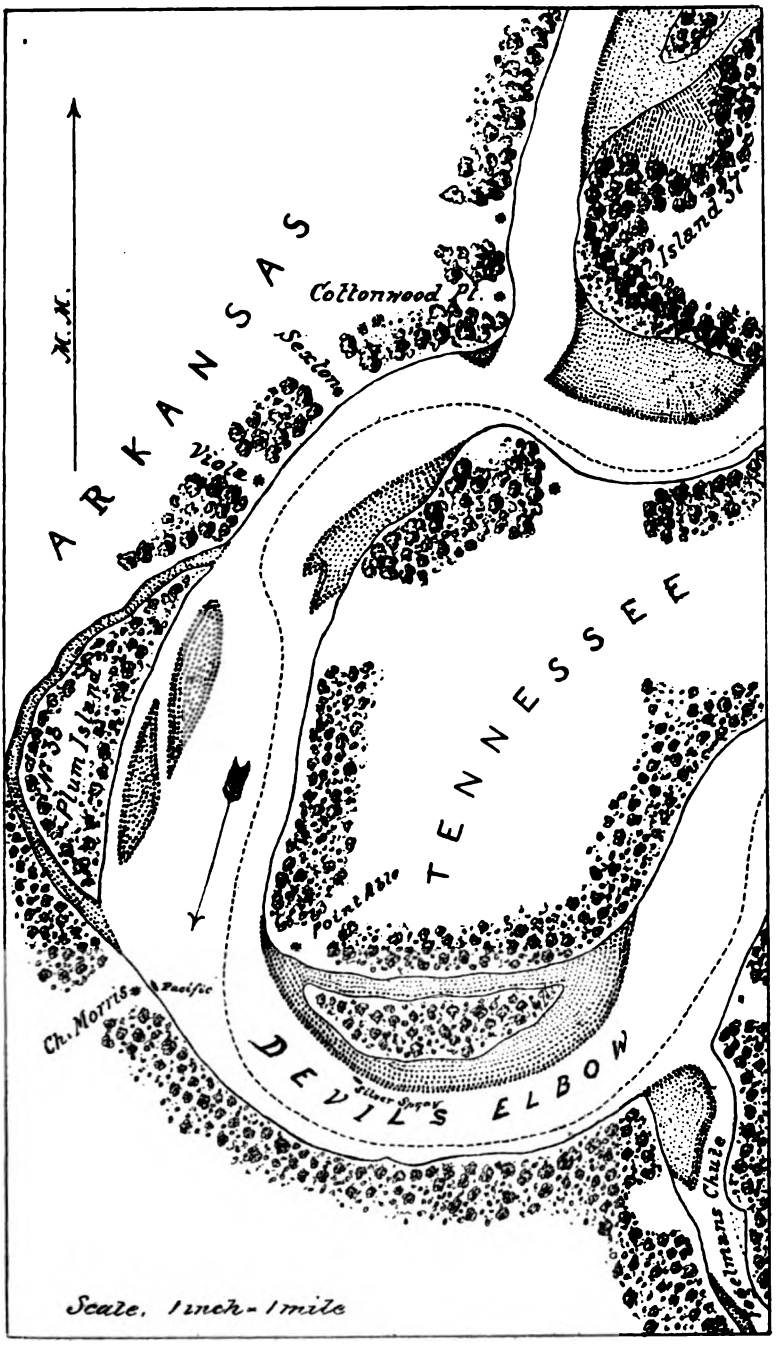

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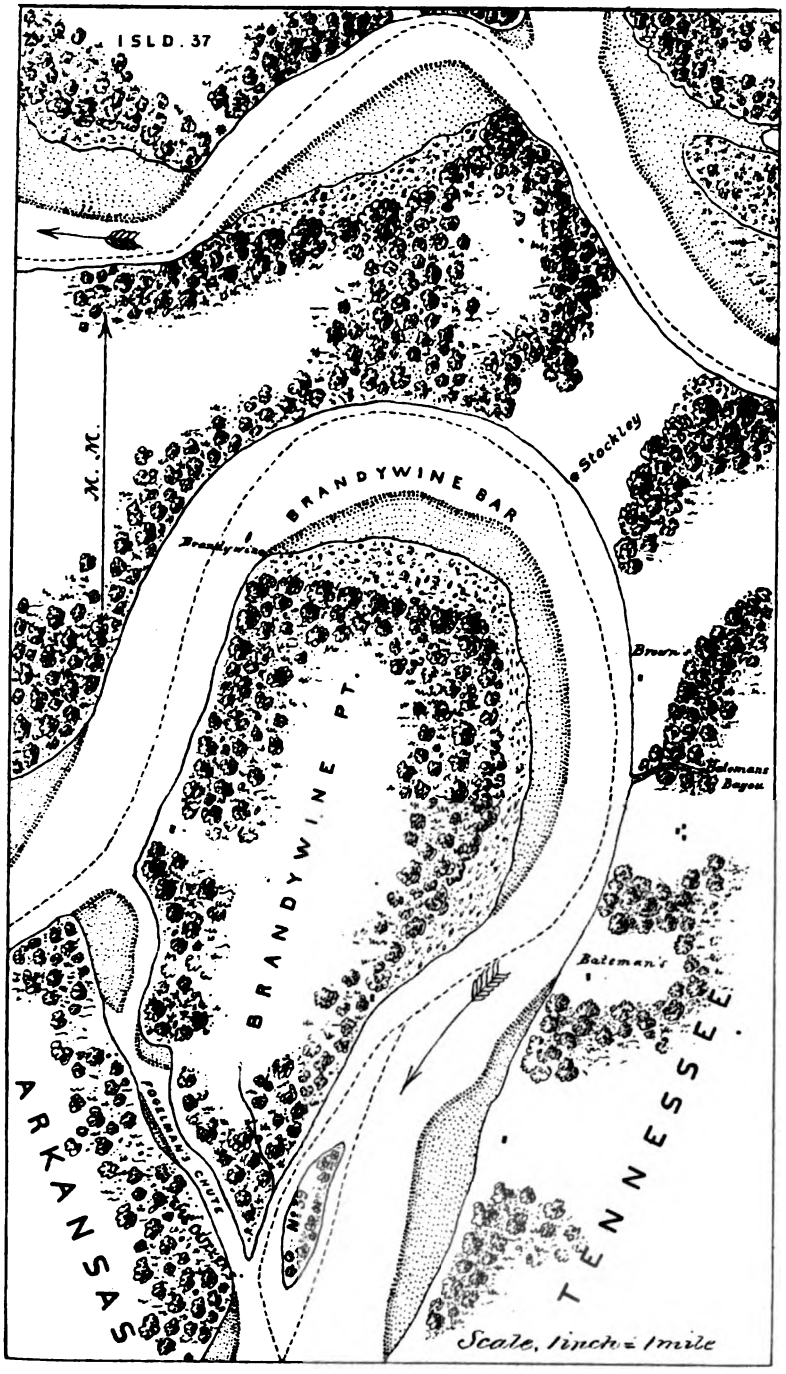

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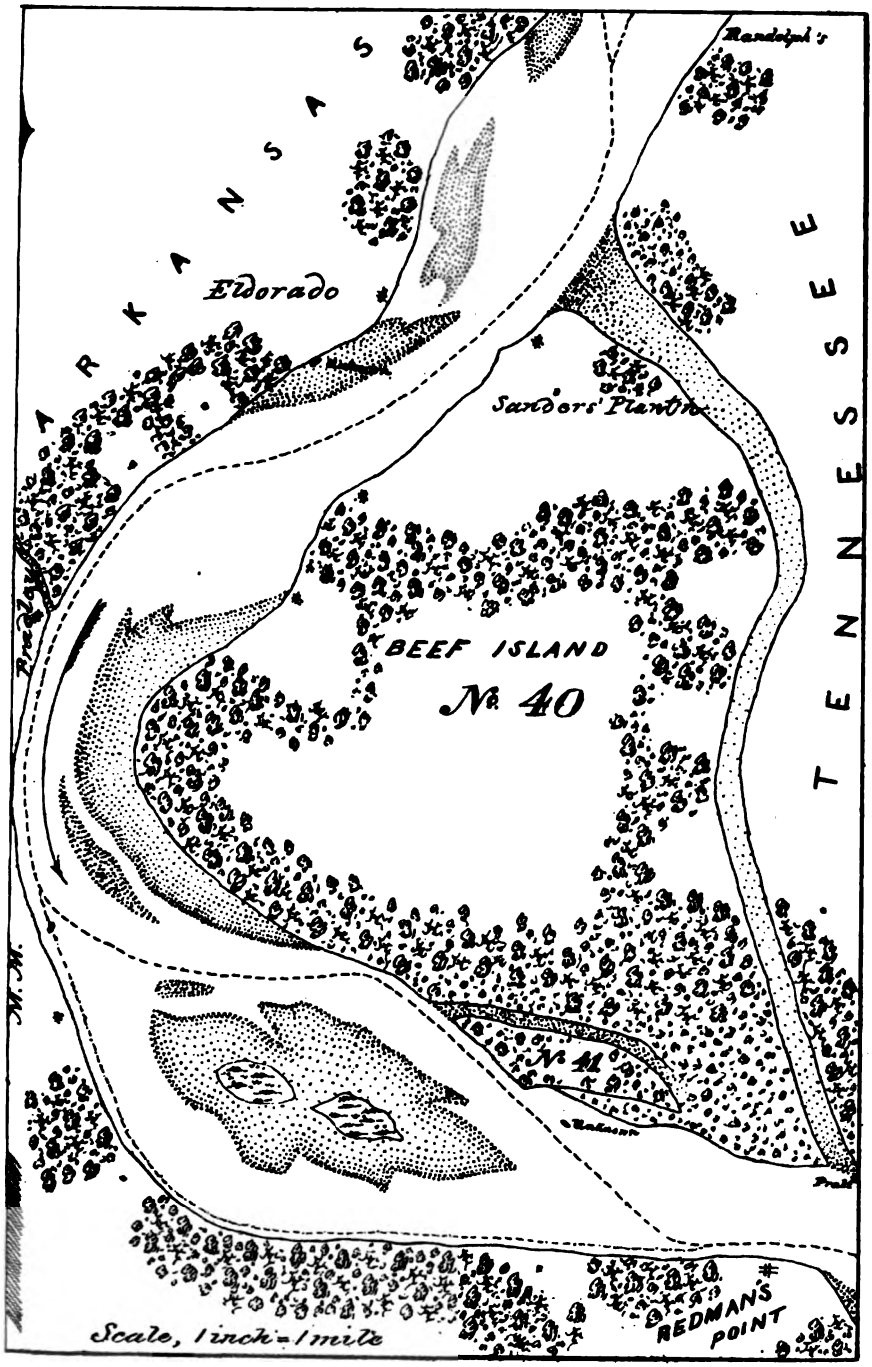

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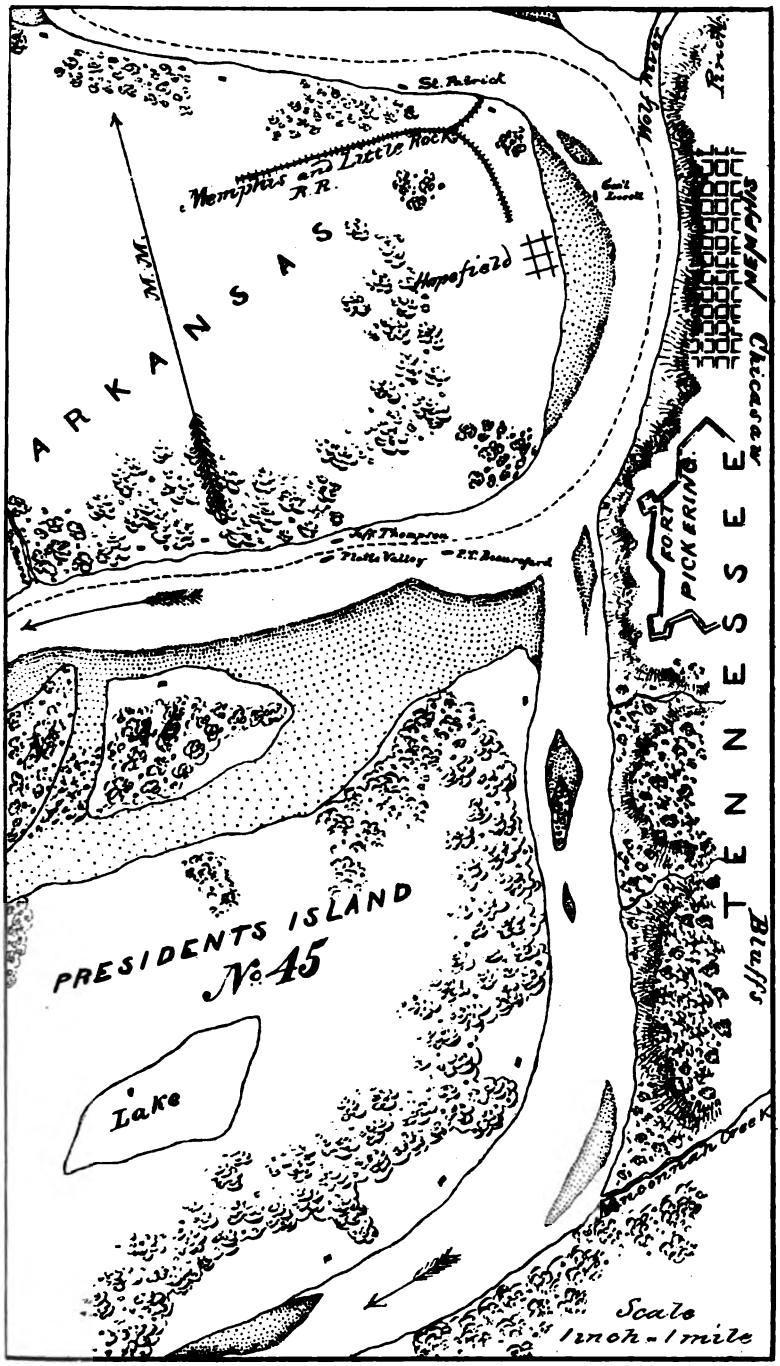

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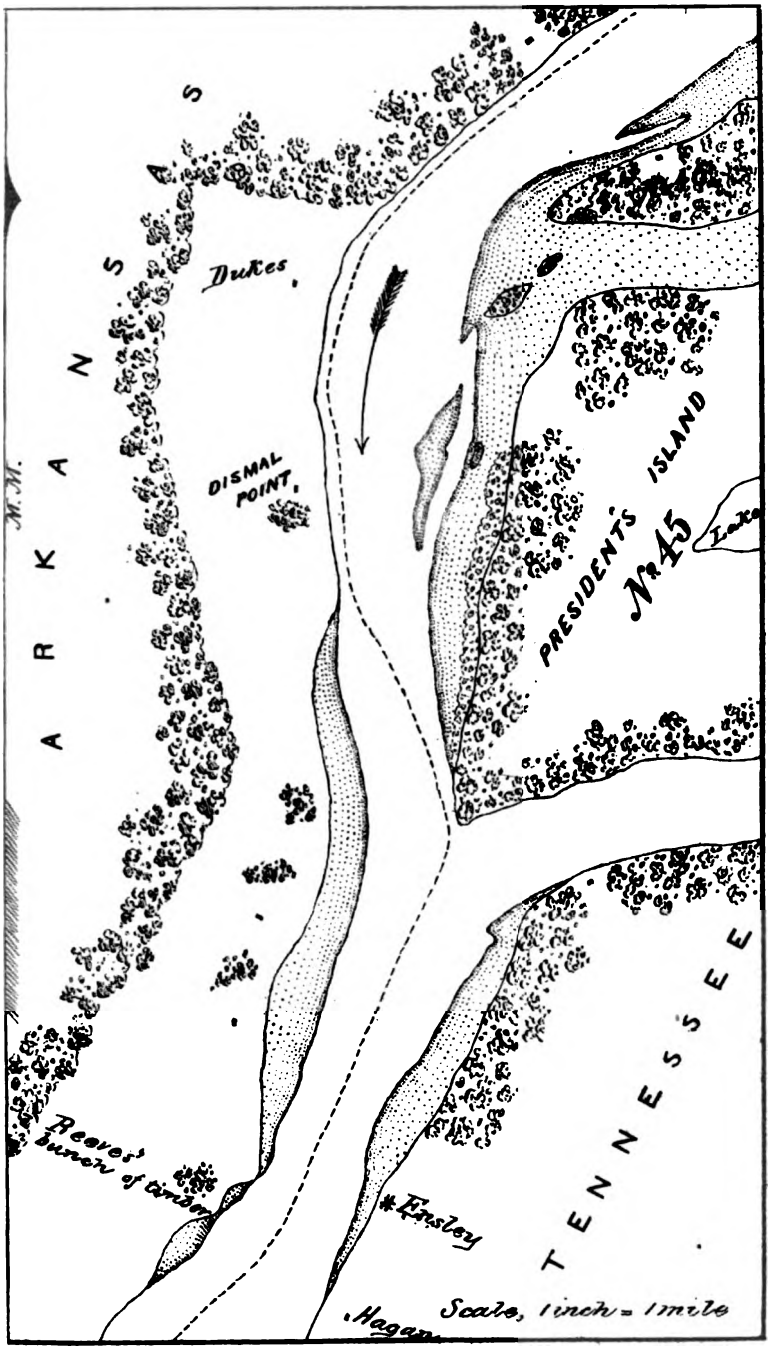

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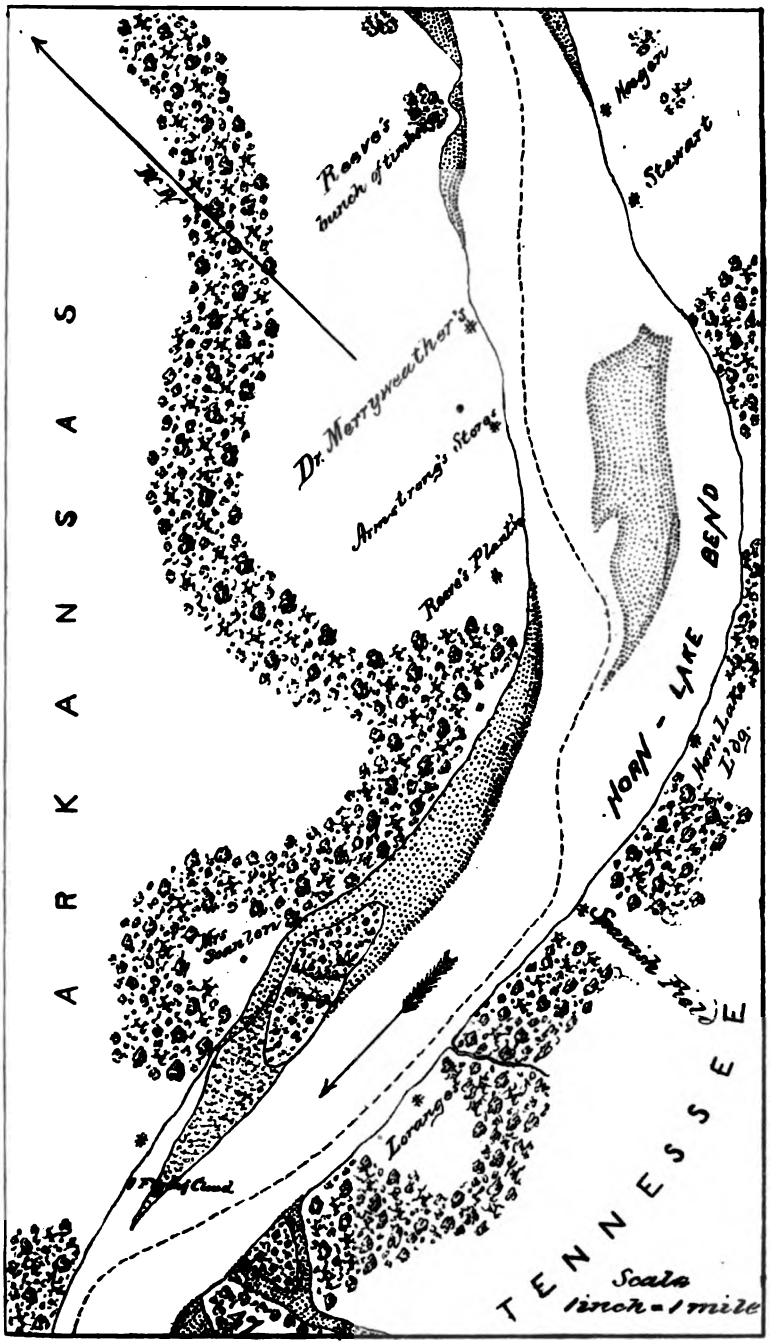

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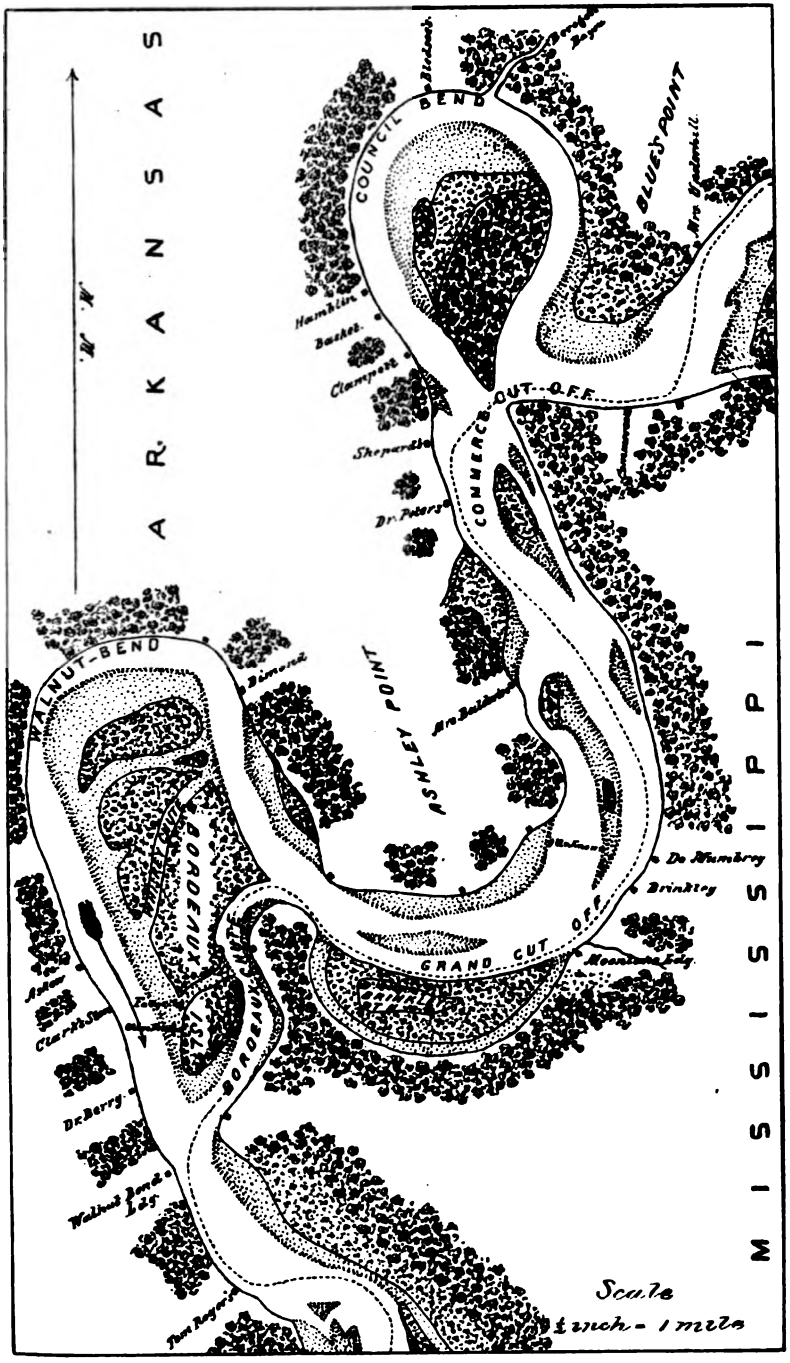

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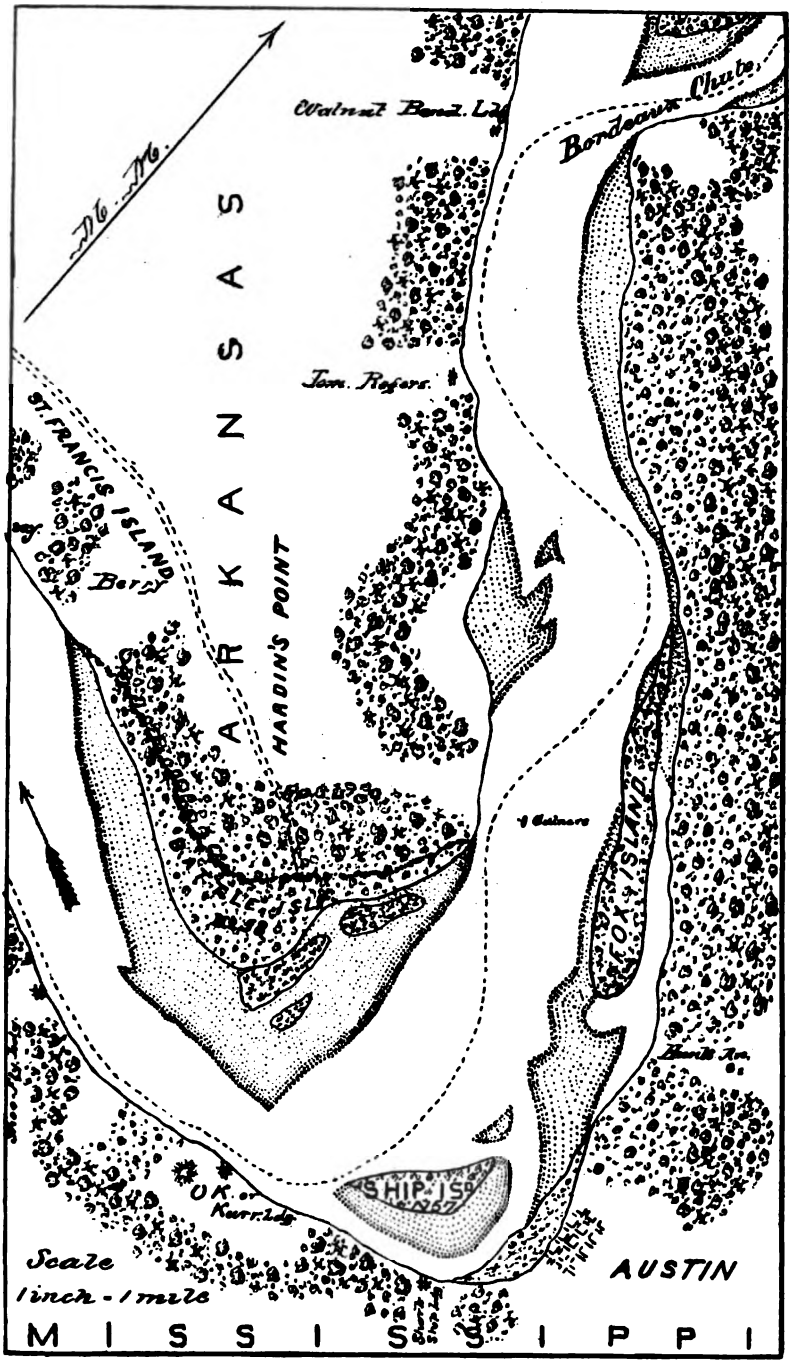

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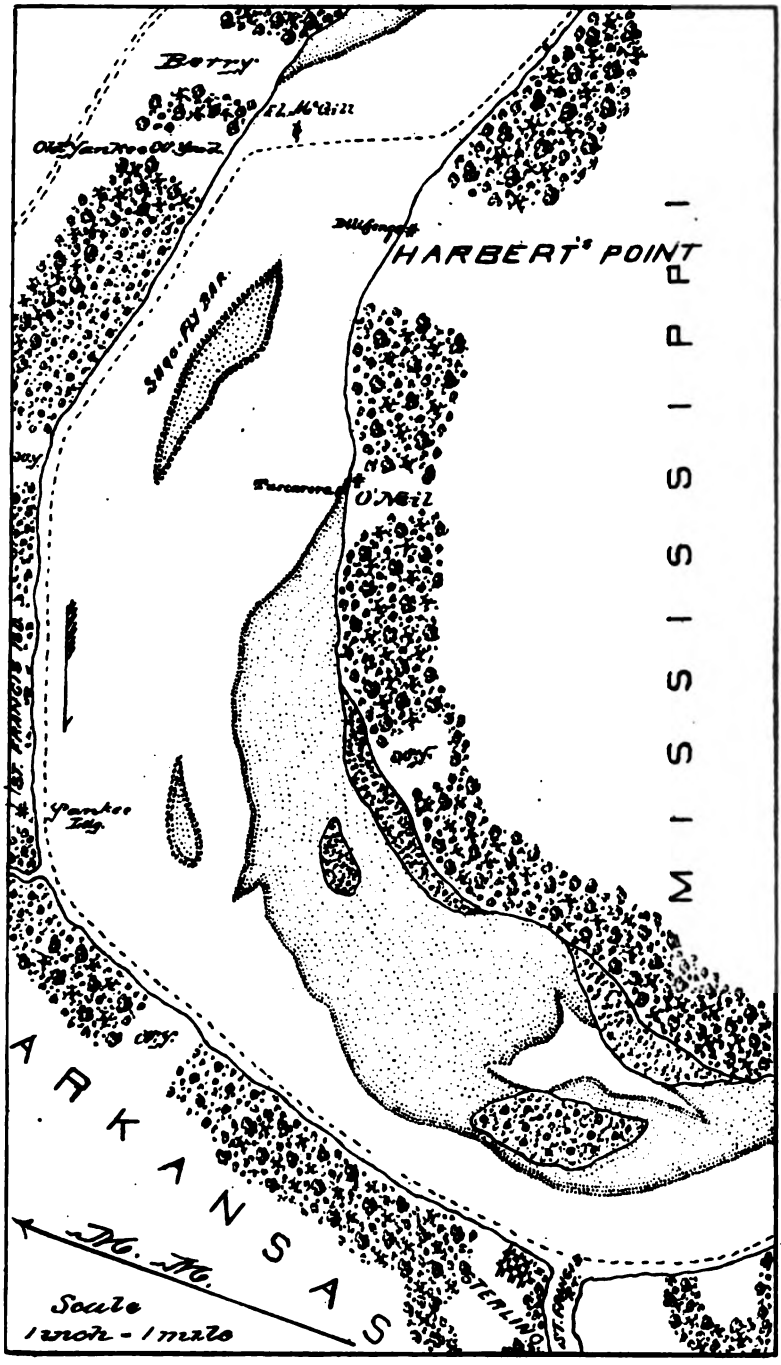

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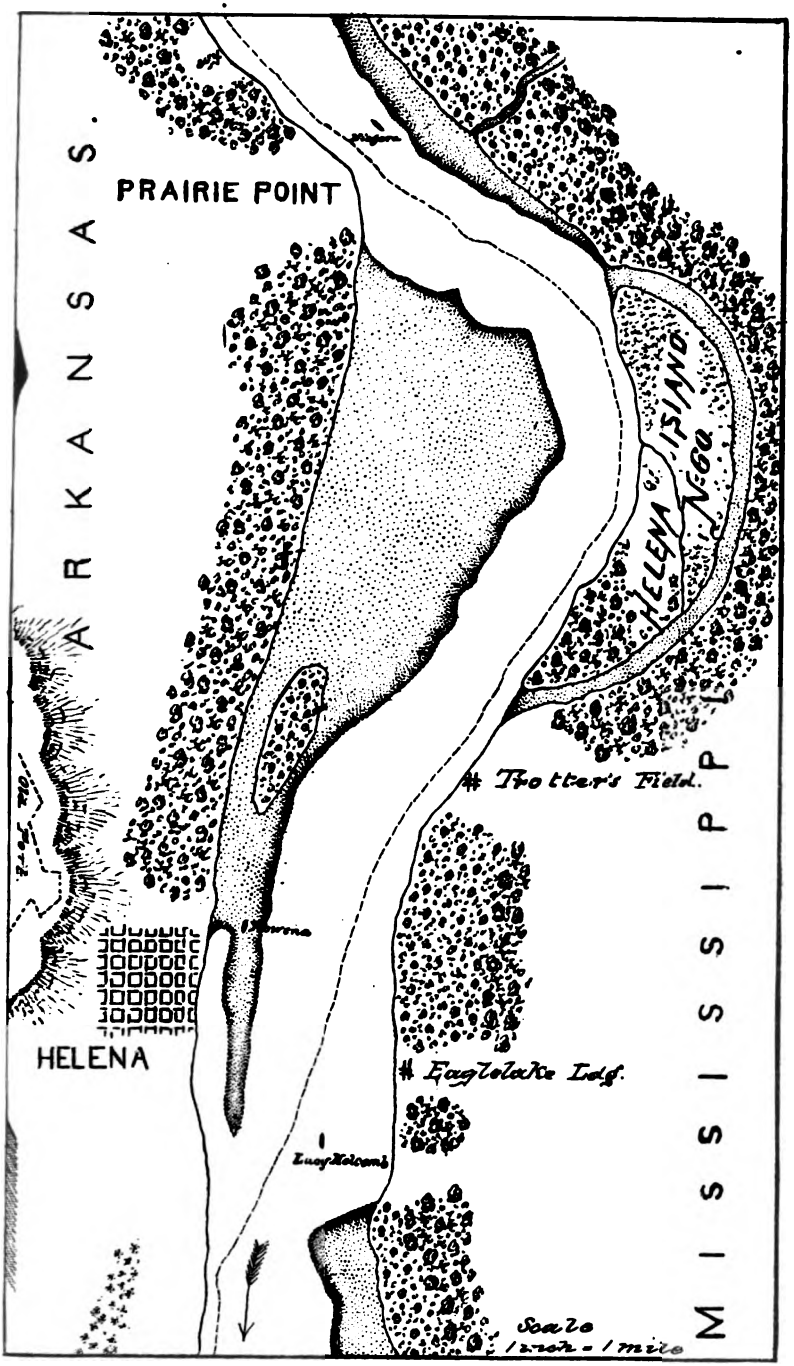

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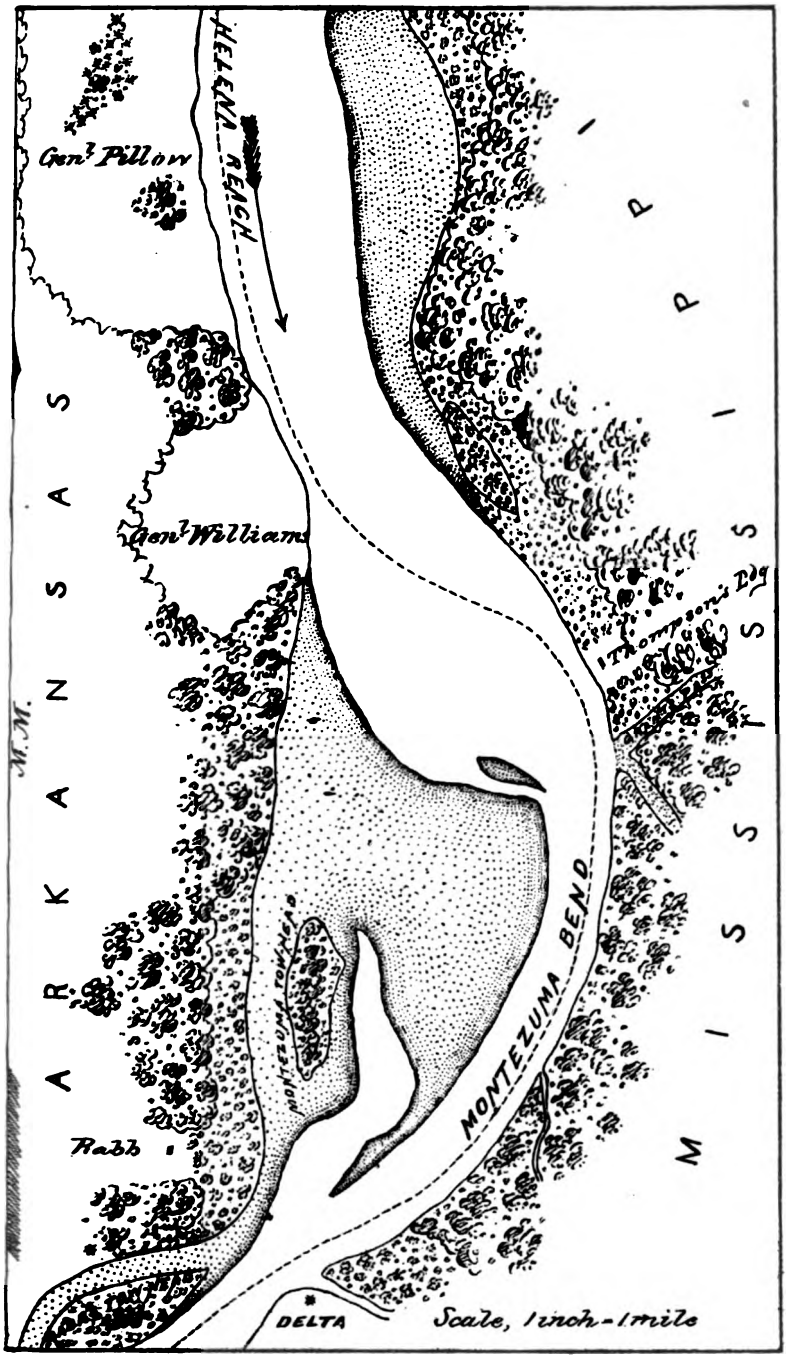

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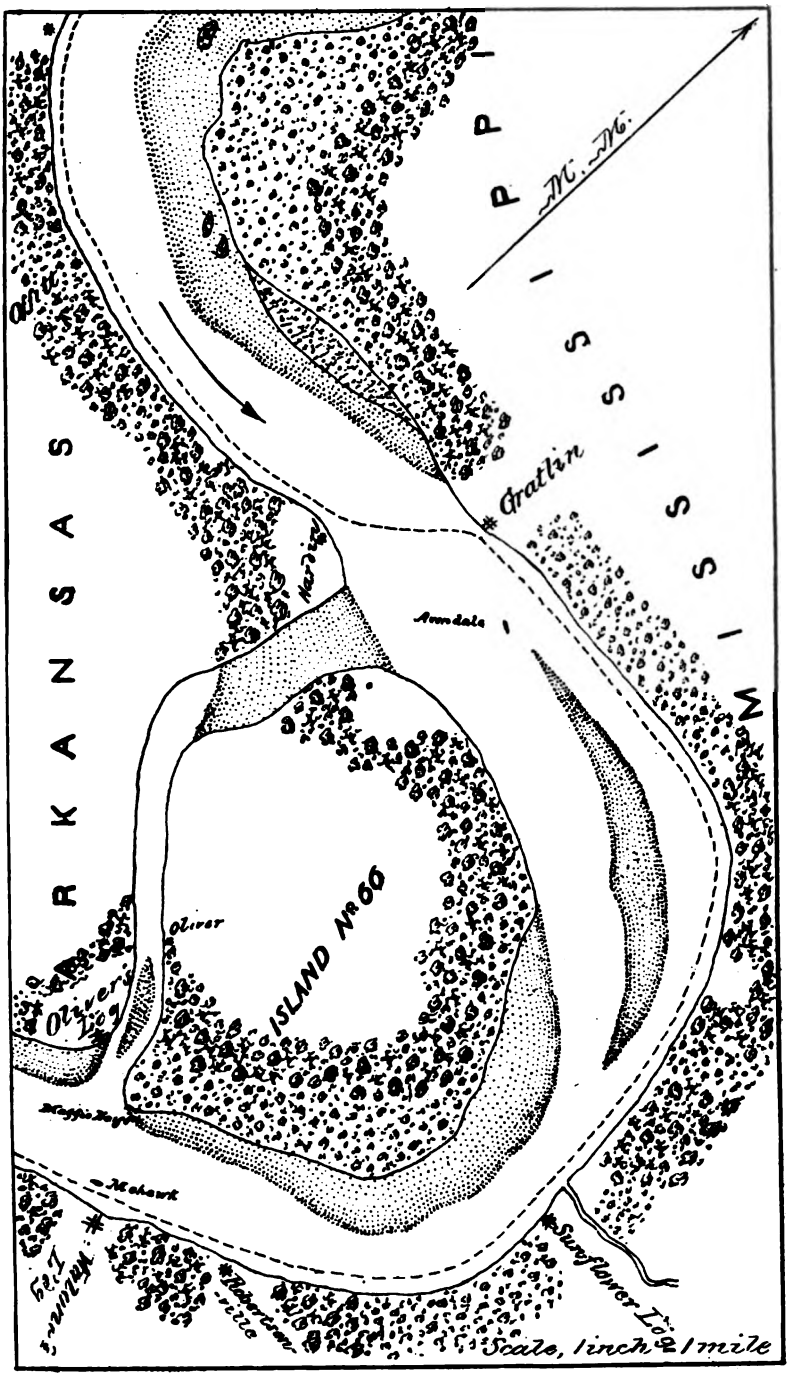

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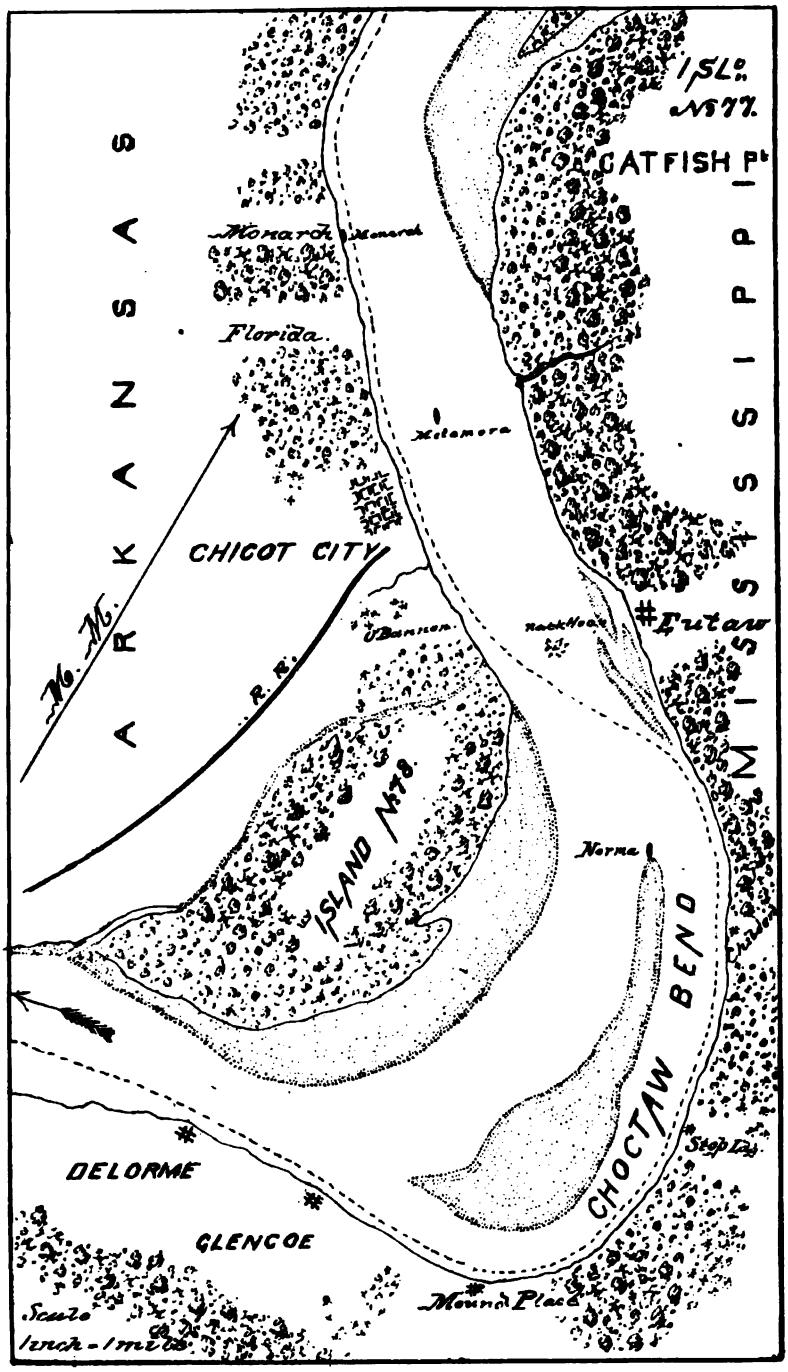

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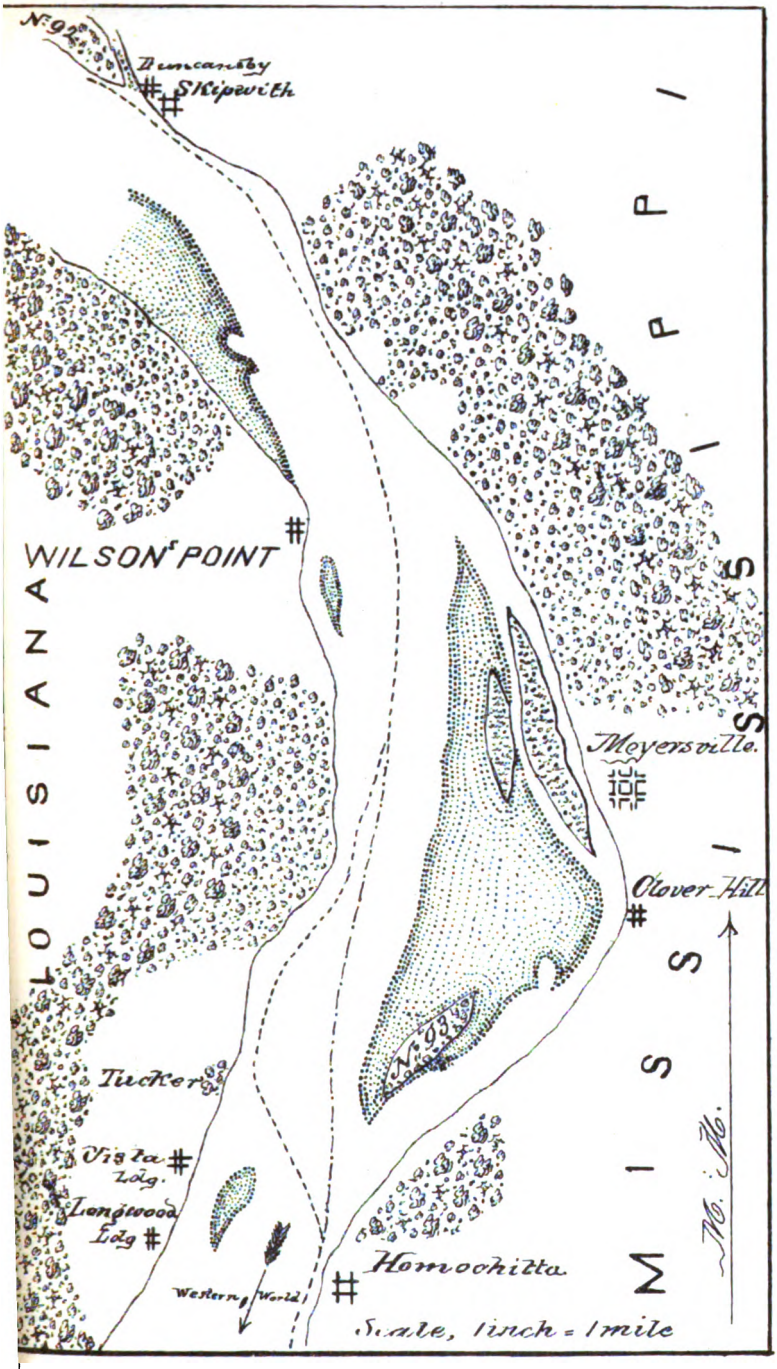

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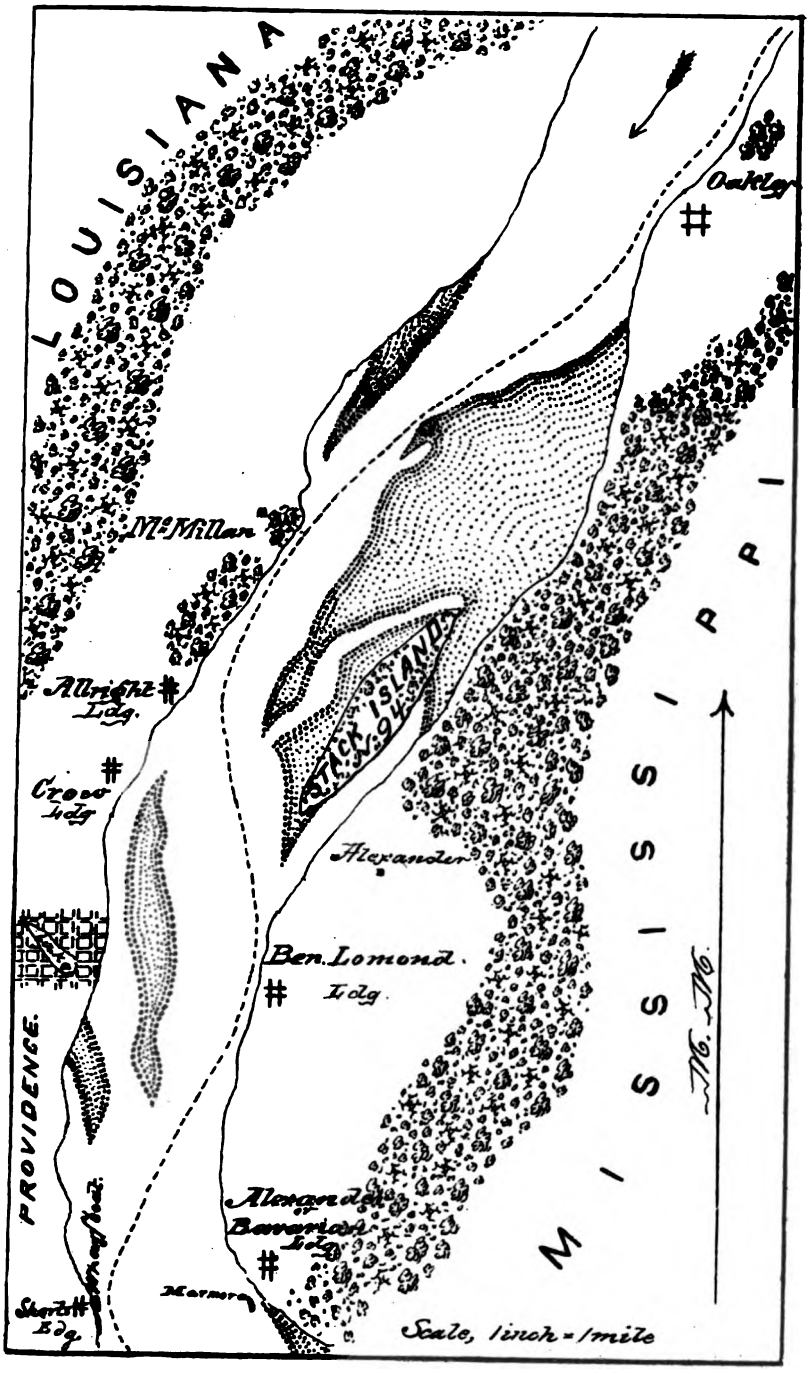

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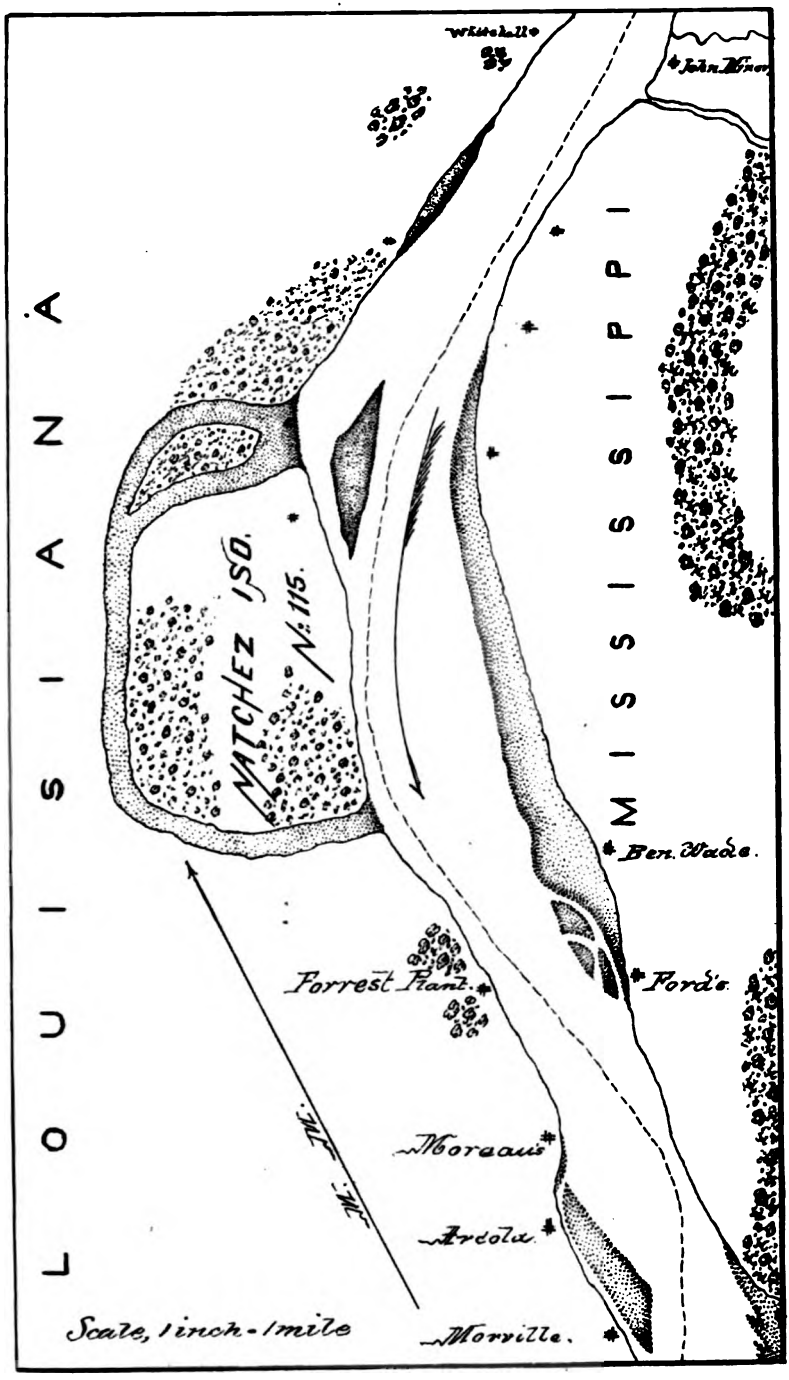

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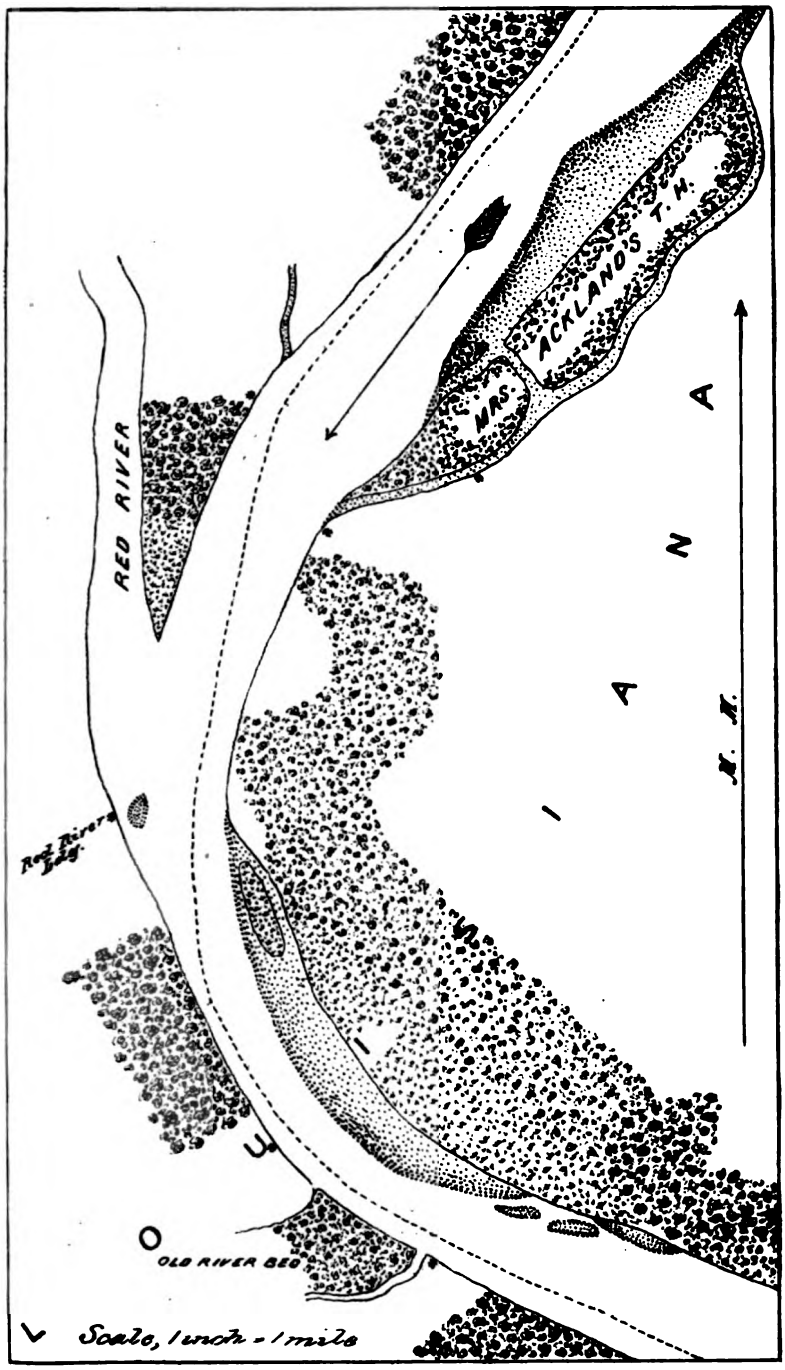

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A copy of the report of Maj. W. E. Merrill, Corps of Engineers, upon the radical improvement of the Ohio River from Cairo to Pittsburgh.

MARCH 3, 1875.—Ordered to lie on the table and be printed.

WAR DEPARTMENT, *March* 2, 1875.

The Secretary of War has the honor to transmit to the United States Senate copy of report from Maj. W. E. Merrill, Corps of Engineers, upon the radical improvement of the Ohio River from Cairo to Pittsburgh, being the improvement contemplated by the first subdivision of the central route indicated in the report of the Senate Select Committee on Transportation-Routes to the Seaboard.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 1, 1875.

SIR: In further compliance with provisions of the river and harbor act of June 23, 1874, for surveys and estimates for the improvements recommended by the Senate Committee on Transportation-Routes to the Seaboard, I have the honor to transmit herewith a copy of a report from Maj. William E. Merrill, Corps of Engineers, upon the radical improvement of the Ohio River from Cairo to Pittsburgh, so as to give 6 to 7 feet of navigation at low water; being the improvement contemplated by the first subdivision of the committee's central route.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

FIRST SUBDIVISION OF THE CENTRAL TRANSPORTATION-ROUTE.

UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, February 25, 1875.

GENERAL: In your letter of June 30, 1874, you direct me to submit a report on the following through-transportation route recommended

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for examination by the Senate Committee on Transportation, viz: "The radical improvement of the Ohio River from Cairo to Pittsburgh, so as to give 6 or 7 feet of navigation at low water." In accordance with these instructions I have the honor to submit the following report.

The subject of the radical improvement of the Ohio River has been so often discussed in official reports that it will only be necessary in this connection to give the conclusions set forth in these reports. My predecessor in charge of the improvement of the Ohio, Mr. W. Milnor Roberts, civil engineer, in his last report on the river, dated April 21, 1870, and printed as Ex. Doc. No. 72, House of Representatives, 41st Congress, 3d session, recommended the ordinary slack-water system, with the addition of what he called "freshet-chutes," to be opened and closed by the floating ponton devised by the Hon. F. R. Brunot, of Pittsburgh, generally known as Brunot's hydraulic gate. The details of these chutes he did not attempt to elaborate.

The board of engineers appointed to make a report on the radical improvement of the Ohio by hydraulic gates and movable dams, consisting of Major Weitzel and myself, submitted a report, dated January 31, 1874, (printed as Ex. Doc. No. 127, House of Representatives, 43d Congress, 1st session,) in which, after giving full descriptions of all the various apparatus in use in France, Germany, England, and India, they finally concluded that before deciding absolutely upon any method of improvement, it would be desirable to test the Brunot gate on the Monongahela.

In addition they expressed the opinion that, should this gate work satisfactorily, it might be more advantageous to use it in connection with permanent dams than to adopt the French practice of movable dams.

The board thus substantially agreed with Mr. W. Milnor Roberts.

Since that time I have continued my studies in this matter, and have finally concluded that the French system of movable dams is the best that can be adopted. I have therefore abandoned the contingent opinion which, as a member of the board, I gave in favor of permanent dams with Brunot's gate and sluice. This final opinion is given in my last annual report on the improvement of the Ohio River, printed in the report of the Chief of Engineers for 1874.

My reasons for this change are briefly as follows:

1. The Brunot gate itself may not operate satisfactorily; on th point we have no positive information, as the trial which the board re ommended was not made for lack of an appropriation for this purpo Something, however, can be learned from the test made in France the Krantz ponton, which in many respects is similar to the Brunot po ton or gate. On this matter my information is unfortunately vag the substance of it being that I have received private advices from distinguished French engineer, that the Krantz system, which, as stat in the board report, was a trial on the Seine below Paris, did not wo satisfactorily. It is possible, however, that the trouble may have aris from the points in which it differs from Brunot's gates, and not fro those in which the two agree; I therefore do not lay much stress this objection.

2. The Brunot gate, if used as proposed, requires the addition of long inclined plane above and below the gate, so as, if possible, to avo the wave at the entrance into the pass and the waves at the foot, whe connection is made with the lower pool. There seems good reason fear that these waves might prove dangerous to coal-fleets. In a event these inclined planes must be quite costly. It is apparently i

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possible to avoid them, as the construction of the Brunot ponton is such that when the pass is open the ponton is dropped down into a chamber beneath it. The depth of this chamber must be a little more than the depth of the ponton. The bottom of this chamber cannot be much, if at all, below the bed of the river, as otherwise it might become impossible to keep it clear of sedimentary deposits. Allowing one foot of clearance below the ponton, we find that the greatest depth to which the latter can be lowered is one-half a foot less than half the vertical distance between the comb of the dam and the bed of the river. Assuming a difference of level between the two pools of 6 feet, and a depth of 6 feet at the head of the lower pool, we find that the ponton when down cannot be lower than $\frac{12}{2}-\frac{1}{2}=5\frac{1}{2}$ feet below the crest of the dam, or $6\frac{1}{2}$ feet above the bottom of the river. Assuming that the opening of the pass will not materially lower the level of the upper pool, which would be the case if, as assumed in the board report, the pass were opened in low water only long enough to let a fleet through, we would have a difference of level of 6 feet to be overcome. The inclined plane could not have a steeper slope than 1 in 100, and it would be better to give it as little as 1 foot in 200. We thus see that the lower inclined plane could not be less than from 600 to 1,200 feet in length. The length of the upper inclined plane, by which the water is gradually brought to the pass, would not be great. It should be long enough to prevent any wave at the head. Probably a base of 100 feet, with a suitable widening of the upward prolongations of the side-walls, would accomplish the purpose.

The steepest natural slopes on the Ohio are found when the river is at its lowest stage. At Horsetail, 5 miles below Pittsburgh, there is a fall of 1 foot in 461 feet; at Deadman's Island, 14 miles below, a fall of 1 foot in 513; at the Twin Islands, 85 miles below, 1 foot in 781; and at the Trap, 11 miles below, 1 foot in 800. All of these slopes are much more gentle than the gentlest suggested for the lower inclined plane of the chute.

Narrow sluices for passage through permanent dams were in general use in France prior to the invention of the present system of movable dams. In order to throw as much light as possible on this vexed question of inclined planes I have made the following translations in regard to sluices from the best French authorities on this subject. The one that follows is from Minard's "*Navigation des Rivières et des Canaux.*"

The width of sluices in the narrowest part generally exceeds that of a boat by from 15 inches to 2 feet on each side. It ought to be even greater for sluices whose side-walls are parallel, in order to facilitate the entrance of boats. [The plates show the width of a large sluice to be about 40 feet.]

Sluices have been made for a fall of from 2 to 4 feet. The latter are dangerous to navigation, and to the solidity of the works. It is necessary to wait before passing boats through until the discharge has greatly lessened the fall.

The flows of sluices are from 23 to 33 feet in length. The side-walls may be longer. It is advisable that they should not be parallel, and that the pass should widen out at each end, in order to guide the boat and to prevent it from striking violently against the walls. It is likewise advisable to terminate the side-walls by wood-work extensions which will deaden the shock.

By considering the different circumstances of the passage of boats through sluices, we can determine how to arrange the dimensions of the latter.

When a boat descends freely through a sluice, it experiences a more or less violent commotion when it strikes the gyratory counter-current which is usually found at the foot of a rapid, and in which lightly-laden boats may even remain in equilibrium, pushed from behind and held back in front.

Thus in January, 1834, a large empty abandoned boat was carried in a flood of the Corrèze on to the top of the weir of the Brives dam. It was precipitated to the foot of the cataract, where it stopped; it remained there more than 15 hours, making short movements backwards and forwards, and battering down the masonry of the dam.

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Also in November, 1834, having learned from an engineer that a skiff could remain, as it were, in suspense on the rapid of Saint-Maur-sur-Marne sluice, I went there with him; we ascended the current, which flowed through the sluice, in a sail-boat, completing our trip through the sluice by having the boat hauled into the cataract; on getting there we found that the boat, whose sail was lowered, remained almost at rest, its bow in the current, and its stern supported by the wave of the counter-current. An occasional stroke of the oar kept the boat in line with the current and prevented it from moving sideways. We allowed it to remain in this position for an hour, and we had much difficulty in extricating ourselves from it.

With an instrument hurriedly made, I found that the thickness of the layer of counter-current was only about 3 inches; the variations of the current made it very difficult to make this measurement; the whirl was 13 inches in diameter.

The total fall was 14 inches; the foot of the cataract was 11 inches lower than the level of the lower pool; the velocity of the current, at the position of the boat, was at least 7½ feet per second; the skiff, holding three persons, drew 7 inches amidships. Fig. 46 shows the course followed by a floating body thrown in above the rapid.

The counter-current at the lower ends of sluices is analogous to that which we have examined in the over-falls of weirs; but the nearness of the side-walls modifies it somewhat. This effect is more or less moderated as the fall is lessened.

When a boat already on an incline corresponding to the surface of the water meets the whirl, which is from 1 foot to 1½ feet in height, it is checked in front and strongly pushed in the rear; the result of these opposing forces is to incline it still more, and to cause the bow to plunge. It is then desirable that the floor should be as low and as short as possible, and it is even well to make an artificial excavation at the lower end.

On the other hand, it is desirable that the side-walls should be long enough to hold the water, and to reduce the slope by lengthening it. They may therefore be prolonged beyond the floor. It then becomes indispensable to build them on piles, the principal effect of the fall being a great scouring at the foot.

In fact, the removal and replacing of the beams or needles, the hauling of a boat up through the sluice, and the waiting until the current has moderated, will necessitate the opening of the sluice for three or four hours, during which time a violent current acts on the bottom. Therefore, the prolongations of the side-walls beyond the floor are as much exposed to undermining as the piers of a bridge. It is therefore necessary, unless the bottom is of rock, to surround them with deeply-driven piles and sheeting-piles.

This tendency to scouring is very great; it would be useless to oppose it. Extensions of the floor, besides injuring boats, would, sooner or later, be carried away.

The sole of the pass is not vertically undermined in the beginning; the soil, even when it is moderately firm, is at first cut away on a very steep slope near the pass, and then on a gentler slope; so that the maximum of depth is generally found at from 25 to 40 feet from the end of the sole; but afterward the scouring action travels backward to just under the sole, in consequence of a whirl with horizontal axis, which uplifts the wooden platform with which these soles are sometimes terminated. It is in consequence of this eddy that we sometimes find that, in artificial deepenings made with a vertical fall just beyond the sole, the current has brought back a part of the excavated material and has formed a slope beginning at the lower end of the sole.

The depth of the scour, and the distance to which it extends, vary with the fall and the nature of the bottom, whose hardness finally yields in the course of time. Do we not see very hard granite rocks wasted and worn away under the natural falls of rivers? It seems, in fact, that the deepening ought to increase until, in consequence of the excavation, there will be such great masses of water to be put in motion as to use up a part of the quantity of action caused by the fall; in a word, the regimen of the cataract must become established, like that of a less rapid current.

In the *Cours de Constructions* of MM. Sgauzin and Reibell are some remarks on the sluices formerly so largely used in France before the invention of movable dams, from which I extract the following paragraphs as pertinent to the question before us:

The size of sluices is limited by the method employed in closing them, which is very variable; there are sluices varying in width from 13 to 26, and even to 43 feet, depending upon the dimensions of the boats, the violence of the floods, &c.

The width of opening of sluices for the passage of floods, and for the transit of rafts or loose logs, varies from 10 to 26 feet in sluices now existing.

Their soles are generally placed on a level with the bed of the river above the dam and they connect with the bed below the dam by a slope. In this way sluices for discharge can also be used for the passage of boats. The bottoms of these sluices, in soil that will wash, should be protected by a sole with a guard-sole below, as has been indicated for passes always open.

The width of these passes depends on the maximum widths of the boats. * * *

The sluices used for navigation have their side walls prolonged much farther down

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stream, in order to guide the boats and especially to make more gentle the curvilinear slope of double curvature which connects the upper pool with the lower.

To still more lessen this slope, the sluice is opened a quarter or a half hour before the passage of boats, in either direction, although this often causes an injurious lowering of the water in the upper pool. It has been recommended that the side-walls should have unequal length down stream, in order to diminish the boils and waves which are formed where the sluice-water meets that which has fallen over the dam.

The construction of the sole of a navigable sluice is surrounded with difficulties; if it is much prolonged on a straight slope downward, there is reason to fear that the boat in its oscillations will strike it; if it is made very short, there may result serious scours at the foot when the river-bottom is not firm.

Although the sluices above described differ in many particulars from the inclined planes proposed for use in connection with the Brunot ponton, they yet are sufficiently alike to enable us to get some valuable information from the experience obtained by their use during many centuries. Navigable sluices were used on the Yonne as far back as the reign of Louis IX, (1226–1270,) as an ordinance of this king is extant forbidding the construction of anything in the bed of this river that might hinder navigation. In February, 1415, Charles VI ordered that all sluices should be 24 feet in width, which decree was re-affirmed in 1520, 1598, 1669, and 1673. In 1720 the number of dams with sluices on the Upper Yonne was 25, and on the Lower Yonne there were 10. These sluices were gradually widened and improved, but the greatest change was inaugurated in 1835, when the first Poriée needle-dam was built. By this invention the width of sluices was increased to 72 feet, thus changing them into what are now known as navigable passes. In 1860, a still further advance was made by the substitution of Chanoine wickets for needle-dams. This substitution is now complete, and represents the greatest advance thus far made in movable dams.

The Chanoine system, which this brief history shows to have been the culmination of the experience of centuries, is the one which I desire to put into operation on the Ohio.

I conclude, from the descriptions quoted above, that there might be serious trouble in the use of inclined planes from the dangerous scour likely to take place at the foot of these planes, and also from the waves and whirls which would endanger the safety of barges. The difficulties which were found on small rivers, and with small bodies of water, would probably be increased with larger rivers and wider sluices.

The only French systems that use the power of the stream for working the movable parts are the Girard, the Desfontaines, and the Krantz. None of these can be used for a pass whose sole is on a level with the bottom of the river, and in this respect they are like the Brunot system. It therefore follows, that, as far as our present knowledge extends, the use of sluices with gates that can be maneuvered rapidly, both for opening and closing, likewise necessitates the use of an inclined plane. It is proper to add that the use of inclined planes for chutes or passes in weirs is unknown in France; the three French systems mentioned above being only used on weirs to control the levels of the pools by regulating the discharge of the river at the site of the dam.

3. The use of permanent dams or weirs equipped with the Brunot gate would compel all up-stream navigation to go through the locks. Very high floods, in which it might be possible to go over the dams, occur so seldom in the upper part of the river, that they need not be considered. On the other hand, if the inclined-plane system should prove to work well, it may be possible to maintain a continuous down-stream navigation through the chute at all times. This would be a decided advantage if attainable. As it is necessary, in order to make an exact comparison between the proposed Brunot system and others, to assume a precise

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case for comparison, I have taken the dam at or near McKee's Rocks, being the proposed site for the first dam on the Ohio River.

The French system requires all navigation both up and down stream to pass through the locks, when there is less than 6 feet of natural navigation, but at all other times the river is entirely unobstructed. The main question therefore is, which of the two systems will give most help to navigation?

I am constrained to believe that the towing interest would prefer to have the river kept as much as possible in its natural state, and that they would consider it hazardous to be always under the necessity of running a chute or going through the lock when descending the river. Experience has shown that for dams of 6 feet lift, such as are proposed in the Ohio, a rise of 15 feet in the natural river is required in order to give a depth of 7 feet over the combs. This depth would allow the safe passage of boats drawing 6 feet of water.

Confining ourselves for the present to the upper part of the river, where alone the actual work of construction is recommended at present, we find from the records of the Pittsburgh gauge, as kept during the 17 years between 1854 and 1871, (see report of Chief of Engineers for 1871, page 399,) that the average duration of a stage of 15 feet or more is but 10 days per annum. This is very irregularly distributed as follows:

	Days.
January	1.1
February	1.1
March	2.4
April	2.4
May	0.8
June	0.5
July	0
August	0
September	0.2
October	0.1
November	0.4
December	0.9
Total for the year	9.9

This shows that no dependence can be placed on passing over the dams. The times when such a feat is possible are so short in themselves, and they are so irregularly distributed through the year, that the assistance which navigation would receive from this source is too slight for serious consideration. We may, therefore, come to the conclusion that, in the vicinity of the head of the Ohio, the permanent-dam system would require all ascending boats to go through the locks and all descending boats to go through the chute.

On the French plan, the river is entirely open whenever there is 6 feet and over on the marks. Examining the record previously quoted, we find the following average durations of a stage of 6 feet or more:

	Days.
January	16.[illegible]
February	16.[illegible]
March	26.[illegible]
April	26.[illegible]
May	19.[illegible]
June	9.[illegible]
July	5.[illegible]
August	4.[illegible]
September	5.[illegible]
October	5.[illegible]
November	10.[illegible]
December	18.[illegible]
Total for the year	163.[illegible]

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We thus find that on the French plan we will have an open river, with 6 feet or more of water for navigation, for nine-twentieths of the year. During the other eleven-twentieths, navigation in both directions must pass through the locks. Therefore I conclude that the French system would better provide for navigation on the Ohio than the system of permanent dams. The same course of investigation, however, would prove the exact opposite on small rivers, that seldom have a sufficiency of water for a natural navigation.

4. The effect of permanent dams is always to cause a shoaling above the dams. As a general rule this shoaling is insignificant in amount, and does not hinder navigation. It is equally true, however, that in rivers heavily laden with sand, such as those in the East Indies, the pools above dams always fill up even with the combs of the dams. I therefore conclude, that in the Ohio River above the falls, permanent dams would not cause any injurious shoaling, but that below the falls they probably would do so. As this shoaling always takes place in high water, these effects would not occur with movable dams, as at that stage they would be out of the way. Any small deposits that might occur while the dams were up would be swept away when they were down.

5. A great advantage of movable over permanent dams arises from the fact that the great strains on dams, and the great dangers of injury by undermining or by turning the abutments, occur during floods, at which time the movable dams have ceased to be dams. They are thus perfectly safe from the most serious source of danger to all constructions placed in the bed of a river.

These reasons, and the example of the French, who are the best authorities in the world on such subjects, have caused me to change my half-formed opinion into one decidedly in favor of movable dams.

NAVIGABLE PASS AND WEIR.

The next question to be decided is the width of the navigable pass. I know of no serious objection to making this pass as wide as the navigation interests may desire, but as 400 feet is considered sufficient to allow a safe passage between bridge-piers, I have considered it unnecessary to give a greater width to the pass. The reasons why the whole river is not made a navigable pass are as follows: The pass-wickets are very large and heavy, and are not easy to handle. It is therefore desirable to reduce their number as much as possible. This can be done by making a part of the dam of smaller wickets on a foundation raised above the bed of the river. This method of construction likewise gives greater facilities in managing small rises, which if allowed to discharge by overflow above would raise the level of the upper pool too high, and yet are not sufficient to justify the opening of the pass. By dropping some of the weir-wickets, which are easily managed, the rise can be passed without difficulty and the wickets can readily be raised again. On the other hand, when the whole dam is down the weir partly obstructs the water-way, and may make too great a current through the pass if the latter be too narrow. The widest French passes on the Upper Seine are from 180 to 214 feet. They are generally a little more than 40 per cent. of the width of the river. At the selected site for the first dam on the Ohio the width of the river, exclusive of the area required for the lock and the abutment, is 1,200 feet. If we give the pass a width of 40 per cent. of the whole width of the river, it would be 480 feet wide. This width, however, seems greater than is necessary.

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The widths of coal-tows seldom exceed 125 feet (or a front of 5 barges,) and as the width between the channel-piers of the Steubenville bridge is but 300 feet, of the Bellaire bridge but 322 feet, of the Parkersburg bridge but 350 feet, and of the Newport and Cincinnati bridge 400 feet, the last-named width seems ample for a navigable pass. In order, however, to provide against undue contraction of the water-way, the half of the weir adjacent to the navigable pass should have its sole at the level of the low-water line, the sole of the other half of the weir being at the usual level of two feet above low water. This is the method recommended by the latest French authorities for very wide rivers, and for those for which the usual width of navigable pass causes too great a velocity through the pass when the dam is down. On the highest level of the weir it will probably be very advantageous to use Desfontaines's drum-wickets, or the Brunot ponton. The question of choice between the two can, however, be left for future study, as in any event the dams cannot be built until the locks are finished. In making the estimate which accompanies this report, I have thought it best to assume that the whole dam will be composed of Chanoine wickets, as these will undoubtedly accomplish our object. If the other system should be thought better for the highest level of the weir, the estimate will still be substantially correct.

In my last annual report I only estimated for a width of navigable pass of 250 feet. Since then I have concluded, after consulting with those interested in Ohio River navigation, and studying first location for a dam, the surveys for which were then in progress, that it would be better to widen the pass to 400 feet.

LOCK.

Experience in France on navigations similar to what is proposed for the Ohio, shows that it is greatly to the advantage of navigators for the locks to be large enough to pass ascending or descending fleets at one lockage. An average coal-fleet has ten barges, (130 by 25 feet,) one fuel-flat, (100 by 22 feet,) and one steamboat, (230 by 48 feet.) The barges could pass two abreast if the locks were 52 feet wide, three abreast if they were 78 feet, and four abreast if they were 103 feet. The first-named width, however, is too narrow for the usual packet steamboats, which require from 60 to 80 feet, and the last-named is too wide to be closed by the ordinary lock-gate. The width of lock must therefore necessarily be 78 feet in order to accommodate all classes of traffic in the best manner.

To hold such a fleet as I have described above, will necessitate an available length (from the lower side of the miter-wall of the upper gates to the recesses of the lower gates) of 628 feet. The length between hollow quoins will therefore be 634 feet, and the total length of the river-wall, from head to foot, will be 770 feet.

This length may seem excessive, but the advantage of passing a fleet at one lockage is very great, and the increase of cost is not in proportion to the length of the lock. The most expensive parts of a lock are the gates and the masonry around them, and they cost the same in all locks of the same width and lift, regardless of their length. The difference between a short and a long lock, of the same width and lift, is only the cost of the extra length of chamber-wall, and this is the cheapest masonry about the lock. The fleets on the Seine are somewhat smaller than those on the Ohio, although their larger barges have almost exactly the same dimensions as Ohio coal-barges. To pass one of these fleets at a single lockage, the lock-chambers on the Upper Seine

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have a width of 40 feet, and an available length of from 591 to 615 feet.

In my last annual report, I recommended that the lock should be divided into two parts by a pair of middle gates, in order that single steamboats and small tows might be accommodated without using so large an amount of water as would be required to fill the whole lock.

After the detailed plans of the lock were prepared, I found that the extra cost of these gates, and of the additional culverts that must go with them, would not be justified by the saving in the consumption of water. The low-water discharge of the Ohio was found by Mr. Roberts, my predecessor, to be 1,600 cubic feet per second. This is sufficient to fill the whole lock in 3⅓ minutes. As the lock would not be used oftener than once in 15 minutes for single steamboats, or once in 20 minutes for fleets, we evidently have an abundance of water to spare even in the lowest stages. The leakage through the dam can be reduced as much as may be desired by the usual expedient of laying planks over the intervals between the wickets.

I have not estimated for a double lock, as I think that the large single one proposed will answer every purpose. It will be just as well adapted to the needs of commerce when several boats are moving in the same direction, but it will not be so useful when boats moving in opposite directions meet at a lock. To balance this disadvantage we have the greater facilities which it offers to large tows, and, besides, it should be borne in mind that when navigation is naturally most active the dam is down, the river is entirely open to navigation, and the lock is not needed. On the Seine it has not been found necessary to double any of the locks. The usual lift of the lock, when both pools are at their normal levels, will be 6 feet, but the walls have been calculated to resist the greatest pressures that can come on them when the lock is either full or emptied for repairs.

ESTIMATE.

One river-lock, with lift of 6 feet, 6 feet on lower miter-sill, 628 feet of available length, and 78 feet of width in the clear.

	Cut-stone masonry.	Coursed rubble.	Uncoursed rubble.	Price.	Cost.
	Cub. yds.	*Cub. yds.*	*Cub. yds.*		
River-wall, face	2,434			$15 00	$36,510
coping	312			15 00	4,680
backing			2,470	6 50	16,055
Land-wall, face	1,172			15 00	17,580
coping	238			15 00	3,570
backing			2,818	6 50	18,317
Miter-walls	230			15 00	3,450
Upper-wing wall, face		60		8 50	510
coping	20			15 00	300
backing			120	6 50	780
Lower-wing wall, face		40		8 50	340
coping	15			15 00	225
backing			110	6 50	715
Coffer-dam and pumping					6,000
Rock-excavation, 10,000 cubic yards				2 00	20,000
Lock-gates, 4 leaves				4,000 00	16,000
Wickets with apparatus, 20				200 00	4,000
Maneuvering needle-dam at head of lock				1,250 00	1,250
House for lock and dam tenders				5,000 00	5,000
Engineering—engineer and assistant 2 years				4,000 00	8,000
Total					163,282
Contingencies, 10 per cent					16,328
Total for one lock on rock-foundation					179,610

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This estimate is $20,000 less than the rough estimate ($200,000) which I made in my last annual report. A large portion of this saving is due to the suppression of the middle gates, with their attendant culverts, and enlargement of the side-walls.

At the site selected for the first dam, the river has a rock-bed, but as we approached the left bank this bank is overlain by a layer of gravel and sand. The estimate which follows will therefore only apply to cases of similar foundations.

As stated before, the pass is closed by Chanoine wickets having 12 feet vertical height above the sill of the pass, and placed at a distance apart, measured from center to center of wicket, of 3.61 feet. These are the dimensions used at the Port-à-l'Anglais dam, and though they appear awkward when given in English feet, it has been thought best to preserve them for the present. There will be no difficulty in slightly changing them when the actual work of construction is begun. The interval between wickets is 0.33 of a foot, or 4 inches.

All the coffer-dams for which estimates are submitted are built to a height of 8 feet above the low-water line, so that they will not be submerged until there is 10 feet of water in the channel.

Navigable pass giving an opening of 400 *feet and having its sill* 2 *feet below low water.*

COFFER-DAM, PER RUNNING FOOT.

Material.	Price.	Quantity.	Cost.
String-pieces	$35 per 1,000 feet	85 feet	$2 9[illegible]
Sheeting-planks	do	150 feet	5 25
Two-inch round-iron ties	3 cents per pound	210 lbs	6 30
Gravel	50 cts. per cub. yd.	6 yards	3 00
Labor			5 00
Cost of one running foot of coffer-dam			22 53

Pumping, per running foot.

To make an approximation of the cost of this service, it is necessary to make some assumptions. At the best, this expense must, from the nature of the case, be indeterminate.

We will assume that work can only be attempted during a period of five months, say from June 15 to November 15, that being the usual period of lowest water; that it will take two such seasons to complete the dam; and that the yearly depreciation of the pumping-apparatus will be 10 per cent., and its yearly repairs the same.

A 10-inch centrifugal pump, with 15-horse-power steam-engine, will cost	$1,500 00
A flat-boat for carrying it	800 00
Total cost of plant	2,300 00
Yearly cost of plant, depreciation, and repairs, 20 per cent	460 00
Cost of plant for two years	920 00
One engineer, ten months, at $90 per month	900 00
Two deck-hands, ten months, at $90 per month	900 00
Coal, three hundred bushels per month for ten months, at ten cents per bushel	300 00
Cost of pumping for two seasons, or for building 1,200 feet of dam	3,020 00
Cost of pumping, per running foot of dam	2 50
As this work is subject to extraordinary accidents by floods, it would be better to put it at	3 00

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Foundation, per running foot.

Material.	Price.	Quantity.	Cost.
Rock-excavation ..... per cub. yd..	$2 00	4.5 yards	$9 00
Cut-stone masonry ..... do.....	15 00	1.13 yards	16 95
Rubble..... do.....	6 50	1.0 yards	6 50
Sills..... per 1,000 feet..	45 00	34.0 feet ..	1 57
Labor	.....	.....	5 00
Cost of one running foot of foundation	.....	.....	39 02

Appurtenances of the sole per one wicket and per running foot.

Name of part.	No.	Material.	Quantity.	Price.	Cost.
Heurter and slide	1	Wrought iron...	480 lbs	10 cts. per lb ..	$48 00
Tripping-rod	1	.....do	98 lbs	10 cts. per lb ..	9 80
Guides	2	.....do	42 lbs	10 cts. per lb ..	4 20
Roller	1	Bronze.....	26 lbs	40 cts. per lb ..	10 40
Cost of appurtenances per wicket					72 40
Cost of appurtenances per running foot					20 55
Labor					5 00
Total per running foot.....					25 55

Wicket, total cost and cost per running foot.

Name of part.	No.	Material.	Quantity.	Price.	Cost.
Horse	1	Wrought iron...	450 lbs	10 cts. per lb ..	$45 00
Anchoring-rods	2	.....do	133 lbs	10 cts. per lb ..	13 30
Anchoring-disk	1	Cast iron	80 lbs ...	7 cts. per lb ..	5 60
Prop	1	Wrought iron...	600 lbs	10 cts. per lb ..	60 00
Journal-boxes	4	Cast iron	220 lbs	7 cts. per lb ..	14 50
Bolts and nuts	30	Wrought iron...	330 lbs	5 cts. per lb ..	16 50
Panel	1	Lumber	409 feet ...	$50 per 1,000 ft.	20 45
Cost of wicket					175 35
Cost of wicket per running foot					48 57

LOW WEIR.

Sill at level of low water.

The coffer-dam required will be identical with the one employed for the navigable pass, consequently the same estimate will hold good in this case.

Foundation per running foot.

Material.	Price.	Quantity.	Cost.
Concrete	$5.00 per cubic yard.....	0.75 cubic yard.....	$3 75
Gravel	50 per 1,000 feet	0.80 cubic yard.....	40
Cut-stone.....	15.00 per cubic yard.....	1 cubic yard	15 00
Boards—inner sheeting for concrete-frame.	30.00 per 1,000 feet	12 feet	36
Uprights for same.....	30.00 per 1,000 feet	5 feet	15
Sills.....	45.00 per 1,000 feet	34 feet	1 57
Riprap	1.60 per cubic yard.....	1.22 cubic yard.....	1 95
Labor	.....	.....	5 00
Cost of one running foot of foundation.....			28 18

The cost of the appurtenances of the sole and of the wickets will be five-sixths of the cost of the similar parts of the navigable pass. They will therefore be as follows:

Appurtenances of the sole, per running foot	$21 29
Wickets, per running foot	40 47

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HIGH WEIR.

Sill 2 feet above low water. Coffer-dam same as for the low weir. Foundation per running foot.

Material.	Price.	Quantity.	Cost.
Concrete	$5.00 per cubic yard	1.25 cubic yard	$6 25
Gravel	50 per cubic yard	2 cubic yards	1 00
Cut-stone	15.00 per cubic yard	1 cubic yard	15 00
Sills	45.00 per 1,000 feet	34 feet	1 57
Riprap	1.60 per cubic yard	3 cubic yards	4 80
Labor			5 00
Cost of one running foot of foundation			33 62

The costs of the appurtenances of the sole and of the wickets will be two-thirds of the costs of the similar parts belonging to the navigable pass. They will therefore be:

Appurtenances of the sole, per running foot	$17 03
Wicket, per running foot	32 38

PIERS.

As the length of a pier is the same as the width of the pass, the cost of its foundations per running foot measured in the direction of the length of the dam will be the same as the cost of the same length of foundation of the pass. The width of a pier being 11.48 feet, it will only be necessary to multiply the cost of the foundation of the pass per running foot by 11.48 to obtain the cost of the foundation of a pier.

Cost of foundation of one pier 71.55×11.48	$821 39
115.02 cubic yards of cut-stone masonry, at $15	1,725 30
101.56 cubic yards of rubble-masonry, at $6.50	660 14
Maneuvering capstan for tripping-rod	1,000 00
Cost of one pier	4,206 83

ABUTMENT.

The abutment is located at the shore end of the weir.

Foundation of abutment.

Material.	Price.	Quantity.	Cost.
Piles, 10′ long, driven	$4.20 each	12 piles	$50 40
Sheeting-piles, 10′ long, driven	3.70 each	125 sheeting-piles	462 50
Concrete	5.00 per yard	30 yards	150 00
Cost of foundation of abutment			662 90

Superstructure of abutment.

Material.	Price.	Quantity.	Cost.
Cut-stone masonry	$15 per yard	103.5 yards	$1,552 50
Concrete backing	5 per yard	87.17 yards	436 85
Capstan and gearing		1 capstan and gearing	1,000 00
Grading bank, paving riprap, &c.			5,000 00
Cost of superstructure of abutment			7,983 35

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SUMMARY.

Having thus determined the cost in detail of each part of the dam, we will now bring them together in order to determine the cost in the aggregate.

Navigable pass.

Coffer-dam, per running foot	$22 53
Pumping, per running foot	3 00
Foundation, per running foot	39 02
Appurtenances of the sole, per running foot	25 55
Wicket, per running foot	48 57
Total, per running foot	138 67
Cost for 400 feet of width	55,468 00

Low weir.

Coffer-dam, per running foot	$22 53
Pumping, per running foot	3 00
Foundation, per running foot	28 18
Appurtenances of the sole, per running foot	21 29
Wicket, per running foot	40 47
Total, per running foot	115 47
Cost of 400 feet of width	46,188 00

High weir.

Coffer-dam, per running foot	$22 53
Pumping, per running foot	3 00
Foundation, per running foot	33 62
Appurtenances of the sole, per running foot	17 03
Wicket, per running foot	32 38
Total, per running foot	108 56
Cost for 400 feet of width	43,424 00

Abutment.

Foundation	$662 90
Superstructure	7,983 35
Cost of abutment	8,646 25

Gathering together the costs thus determined for each part of the dam, and neglecting quantities less than one dollar, we have the following:

Navigable pass	$55,468
Pier	4,207
Low weir	46,188
Pier	4,207
High weir	43,424
Abutment	8,646
Engineering and superintendence two years, at $6,000	12,000
Total	174,140
Contingencies, 20 per cent	34,828
Total estimate of cost of dam	208,968

I have added 20 per cent. for contingencies, because work like this, in the bed of a large river liable to sudden and high rises, is subject to injuries and accidents which cannot possibly be foreseen, nor can they be covered by an estimate except in this way.

The site selected for the first dam on the Ohio has a local peculiarity

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which makes the works more costly than they would be at many other places. The profile of the river compels the location of the dam with one end abutting on Davis's Island. This necessitates the closing of the channel back of this island. This channel is 420 feet in width, and the dam must be built up to the same level as the normal pool, which is 10 feet above low water. It is proposed to build a dam of piles and cofferwork, the mass of the dam being riprap stone, paved on top, and supported by a long apron of riprap interspersed with piles.

The down-stream slope of the top of the dam will be one on three. The banks above and below the dam will be graded and paved, and will have a bank of riprap at the foot of the slope for protection against undermining. The method of construction thus indicated is in accordance with the best French methods.

DAM BEHIND DAVIS'S ISLAND.

Cost of dam per running foot.

One row sheet-piling, 10′ long, at $4.75 per running foot, driven	$4 75
40 feet board measure caps, at $35	1 40
28 feet board-measure longitudinal stringers, at $35	98
53¼ feet board-measure transverse ties, at $35	1 87
3 piles, driven, at $5	15 00
3.7 cubic yards stone-paving, at $3.50	12 95
12 cubic yards riprap, at $2	24 00
2 cubic yards gravel, at 40 cents	80
Labor	5 00
Total per running foot	66 75
Cost for dam 420 feet in length	28,035 00

Bank protection above and below dam.

400 piles, at $5	$2,000 00	
925 cubic yards paving, at $2.50	2,312 50	
500 cubic yards grading bank, at 20 cents	100 00	
200 cubic yards riprap, at $2	400 00	
Total		4,812 50
Total cost of dam, including bank protection		32,847 50

TOTAL COST OF DAM NO. 1, ON THE OHIO RIVER, INCLUDING ALL ACCESSORY WORK.

Lock	$179,610
Dam	208,968
Auxiliary dam behind Davis's Island	32,847
	421,425

The estimates on a lock and dam thus far given presuppose a rock foundation. In case we should be compelled to build on gravel the preceding estimates must be increased. It then becomes imperative to give the lock an artificial bottom or floor of concrete, to found the pass and weirs on similar beds of concrete, and to guard against injurious filtrations by lines of sheet-piling.

This method of construction is expensive, but it seems to be the only one that gives thoroughly reliable results. On the Monongahela wooden floors are used, but they are frequently out of repair, and their weakness is constantly endangering the safety of the locks. The following extracts from Minard's Navigation des Rivières et des Canaux show the best foreign practice in such cases:

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Soil incompressible, but liable to scour.

Sands, gravel, &c., found directly on the soil, and give the floors a thickness of from 2 to 6½ feet, depending upon the lift, the width of the lock, and the tenacity of the masonry; oppose subterranean filtrations by cross-walls of beton or masonry descending lower at the head and foot of the lock and under the miter-sills than the general foundations, or by carefully-driven rows of matched sheeting-piles under the whole width of the lock; make the floor thicker under the miter-sills and under the lower gate-chambers. Make an apron below the lock whose thickness decreases as it recedes from the lock, and whose total length depends on the lift and the resistance of the soil.

Sheeting-piles are very efficacious for intercepting subterranean communications. I have seen locks a hundred years old on the Picardy Canal which still worked passably, although the lock-chamber no longer had a floor, because the rows of sheeting-piles under the miter-sills were in good condition.

To have the rows of sheeting-piles well joined it is necessary to use the system which was formerly followed and which is yet in use among the Dutch.

The piles are so arranged as to be capped by two parallel stringers, leaving between them an interval equal to the thickness of the sheeting-piles; the latter can then be driven by continuous panels, and by slight successive penetrations along the whole length of the row, so that they reach their ultimate penetration without losing contact, and mutually sustaining each other; which, as is well known, is the advantage of driving by panels.

On the other hand, when they are driven by the ordinary method of first driving piles held between two rows of stringers, and then sheeting-piles in the interval between the clamps, the piles obtain isolated holds, independent in direction one of the other, and it is difficult to form a connection between them and the intermediate sheeting-piles.

Ties that are parallel to the length of a lock are the cause of dangerous filtrations, because when the earth settles which was placed under them it leaves a void which cannot be filled, and which establishes a continuous communication from the water above the lock to that below it, whilst similar voids under the caps are interrupted at each pile.

If, as often happens in these kinds of soil, the springs are very abundant, after having excavated until the pumping becomes too costly, the trench for the foundations should be finished by dredging. The bottom should be graded to suit the drainage; the sides of the excavation should be slightly raised; then drainage-wells should be dug in the lowest parts; after which the whole should be covered by a bed of from 1 to 2 feet of beton, so as to have a kind of large, flat, impermeable canal, in which pumping can be done after the mortar has set.

Beton, placed on the soil, chokes or diminishes the bottom springs, and makes pumping much less expensive. I found in a similar case that ten Archimedean screws were sufficient to lay bare an excavation covered with 16 inches of beton, while seventeen screws had not succeeded in getting water lower than 2½ feet above the bottom of this excavation.

If the foundations are much below the level of the springs, it will be necessary, after dredging, to drive an inclosure of piles and sheeting-piles at the feet of the main slopes of the excavation, which must be somewhat widened; then a layer of beton, of from 2 to 3 feet in thickness, must be poured into the inclosed space; next, by means of scaffolds resting on the heads of the piles of the inclosure, whose top must be above the level of the springs, vertical or inclined posts must be planted in the beton, which will serve to support panels, so as to make a second interior inclosure, forming with the first one a perimetrical coffer-work, which should be filled with beton up to the level of the springs, supporting it on the exterior by earth filling. We will thus have a coffer-dam, inside of which we can pump out after the mortar has set. The posts and panels will then be removed, and the masonry will be built. The masses of beton in the coffer dam, cut in steps if the posts were inclined, will form part of the side-walls and of the lift-wall. At the lower end of the lock they must be removed to below the surface, in order to open communication with the lock, unless from motives of economy this part of the coffer-dam was made of clay, which can more readily be removed.

If there is danger of cracking the beton by driving in the posts, their feet can be buttressed by long timbers extending from one side of the coffer-dam to the other.

The interior posts ought to be somewhat inclined; if they are much inclined, considerably less beton is required. But that part which fills the acute angle of the coffer-work can only get there by flowing down a slope, and at this part all the milk of the beton (*laitance*) will be accumulated. This has but a very moderate consistence, and may give rise to accidents, which can be avoided by using vertical or slightly-inclined panels.

I have given the above translation on account of its intrinsic value, and because it is contained in a very valuable treatise, (Minard's Navi-

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gation des Rivières et des Canaux,) which is now out of print. This book was recommended to me by a distinguished French engineer, (M. Malézieux,) as the best authority on such work, and by good fortune I succeeded in securing a copy. I ought to add that "beton" and "concrete" are synonymous terms.

I think that I am perfectly safe in saying that every lock on the Ohio will be founded on rock, gravel, or sand.

Having estimated for a lock on rock foundation, it remains to determine what modification will be required in the estimates for sand and gravel foundations.

The great difficulty occurs in the lock-chamber. Although by using sheet-piling we may greatly reduce the percolation of water through the soil under the lock, it is impossible to stop it entirely. The effect of this under-current of water is to cause an upward pressure on the floor of the lock whenever the chamber is empty. This upward pressure must be met by dead-weight, or by weight aided by tenacity. If we use nothing but concrete, it will resist partly by its weight, (due allowance being made for reduction of weight by immersion,) and partly by its construction as a monolith with its ends firmly held under the side-walls.

If we fill the area with piles and a less amount of concrete in the spaces between the piles, we will then have a resistance due to the weight of the concrete in water, increased by the resistance of the piles to extraction.

Lastly, we may use masonry built in what is known as plate-bands, or reversed arches with an infinite radius for the intrados. The keystone is wedge-shaped, with its widest face lowest; the other voussoirs have their sides inclining toward the key, and their under-widths are slightly greater than their widths at the intrados. The plate-band may therefore be considered as the extreme case of a flat arch. It may be built on a foundation of concrete, or on a wooden platform, thus making two additional methods.

All the plans described above require the same expenditure for coffer-dam, and for the rows of sheet-piling designed to prevent subterranean filtration. The cost of these works will therefore be estimated before going into the details of the floor.

COFFER-DAM.

This will be built of two rows of piles and sheeting-piles, 8 feet apart, and the space between the rows will be filled with gravel. The outside sheeting-piles will be 3 inches thick and 12 feet long; the inner ones being 2 inches by 10 feet long. The latter will the driven by hand.

Coffer-dam per running foot.

Material.	Price.	Quantity.	Cost.
Piles, 18′ long	$5.40 per pile driven	1-5	$1 08
Outer sheeting-piles	3.00 per pile driven	1.1-5	3 60
Inner sheeting-piles	40.00 per 1,000 feet	20 feet, board-measure	80
Wales	35.00 per 1,000 feet	12 feet, board-measure	42
Gravel	50 per cubic yard	2¼ cubic yards	1 17
Labor			2 00
Total			9 07
Cost of 1,040 feet of coffer-dam			9,434 80

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Sheeting-piles.

The sheet-piling, to prevent filtration, should extend along the whole length of the river-wall, across the head, across the foot, under the lower miter-sill, and on the prolongation of the line of the dam. Its total length will be 1,136 feet.

Sheet-piling per running foot.

Material.	Price.	Quantity.	Cost.
Piles, 14′ long	$4.68	1-10	$0 47
Sheeting-piles	4.80 per pile driven	1.1-5	5 76
Wales	35.000 per 1,00 feet	10.67 feet, board-measure	37
Labor			1 00
Total			7 60
Cost of 1,136 feet of sheeting-piles			8,633 60

Pumping.

The price of pumping will be taken at the price previously determined, viz, $3,020 for the two seasons that will probably be required for constructing the lock.

FLOORS OF LOCK-CHAMBERS.

Concrete only.

To determine the necessary thickness of the concrete, De Lagrené, (Navigation Intérieure, vol. iii, p. 77,) gives the following formula:

$$e = \frac{-l^2 + l\sqrt{l^2 + 2h\pi}}{\pi}$$

in which

e = thickness of concrete in meters;
l = half-width of lock in meters = 12;
h = lift of lock in meters = 2;
π = safe tensile-strain on concrete = 5 tons per square meter.

Substituting these values in the formula, we get

$$e = \frac{-144 + 12\sqrt{144 + 2 \times 2 \times 5}}{5} = 1.9 \text{ meters} = 6\tfrac{1}{4} \text{ feet.}$$

This result is a large one, and, as experience has shown (Minard, Navigation des Rivières et des Canaux, p. 184) that the under-pressure is always less than the theoretical head, I have estimated on a uniform thickness of 6 feet.

17,333 cubic yards concrete, at $5	$86,665
22,000 cubic yards gravel-excavation, at 30 cents	6,600
	93,265

Piles and platform with concrete.

The usual practice in France is to put the concrete on top of the platform, while the contrary is the practice in this country. It seems

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to me that where concrete is used under the platform voids may occur under the bottom of the lock by settlement or otherwise, and that under these circumstances the concrete would probably become detached from the piles and the under-surface of the platform, with which its bond is necessarily weak, and would fall into these voids. If this should happen, the platform would have to withstand the under-pressure without any help from the concrete. This would not occur, however, where the concrete was placed above the platform, and for that reason I prefer the French practice.

In the following estimate the supporting-piles are placed 7 feet apart over the whole area occupied by the chamber, and 3½ feet apart under the walls, and 3 feet of concrete is placed on the platform. The maximum upward pull on each pile under the chamber, allowing for the maximum under-pressure due to the head, is calculated at 5 tons, but experience has shown that this is much greater than will be found in practice. The friction on the sides of the piles will be ample to withstand this upward pressure even at its maximum.

Lock foundation-piles and concrete.

Materials.	Price.	Quantity.	Cost.
Piles 12 feet long, driven	$425	2,576	$10,948
Caps 10 by 12	$35 per 1,000	135,000	4,725
Iron straps, spikes, and bolts	6 cents	70,000 pounds	4,200
4-inch floor-planks	$35 per 1,000	312,000	10,920
Transverse floor-binders, 6 by 8	$35 per 1,000	34,320 feet b. m.	1,201
8-inch spikes	4 cents	18,000 pounds	720
Labor capping piles	50 cents	2,576	1,288
Labor laying floor	50 cents	780 linear feet	390
Labor laying floor-binders	$2	110	220
Concrete	$5	8,667 cubic yards	43,335
Rip-rap	$1.50	2,500 cubic yards	3,750
Gravel-excavation	30 cents	22,000 cubic yards	6,600
Filling	50 cents	2,500	1,250
Total			$89,547

Plate-bands of masonry resting on concrete and on piles and platform.

The thickness of the plate-bands will be taken at 2½ feet, resting on 2 feet of concrete in the first case, and on piles and platform in the second. In the first case, therefore, there will be a substitution of 2½ feet of plate-band masonry for 4 feet of concrete. The volumes of the two will therefore be in the proportion of 5 to 8. Equality in cost would require that the price of a cubic yard of masonry should be one and three-fifths greater than that of a cubic yard of concrete. But as this masonry must be of cut-stone, it is evident that its cost would more than exceed this limit. This method of construction, therefore, need not be examined in detail. The same remarks apply still more strongly to the case of plate-bands or piles and platform, as in this case the 2½ feet of masonry only replaces 3 feet of concrete.

Where concrete is used, with or without piles and platform, the bed of concrete must extend under the side-walls, replacing a portion of the masonry. This will make a reduction in cost of about $5,000 in lock-masonry.

Summing up the results thus far obtained, we get the following:

Lock on gravel with concrete floor.

Coffer-dam	$9,173
Sheeting-piles	[illegible]
Pumping	3,020

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Foundation and floor		$93,265
Lock, as per estimate for rock-foundation		179,610
Total		293,962
Deduct from estimate on rock-foundation, coffer-dam, and pumping	$6,000	
Rock-excavation	20,000	
Saving on lock-walls	5,000	
		31,000
		262,962
Add 10 per cent. for contingencies		26,296
Total cost of lock		289,258

Lock on gravel with piles, platform, and concrete.

Coffer-dam	$9,433
Sheeting-piles	8,634
Pumping	3,020
Foundation and floor	89,547
Lock, as per first estimate, with deductions as indicated above	148,610
	259,244
Add 10 per cent. for contingencies	25,924
Total cost of lock	285,168

The foundation of concrete on piles and platform being the cheaper of the two, will be the one that will be used in the estimates.

The costs of the navigable pass, the weirs, and the piers will also be different on gravel from what they were on rock.

The following are the estimates on this part of the work:

The coffer-dams are allowed to remain and become a part of the work, care being taken to cut them down to a foot or two below the level of the sills. The high weir has practically no coffer-dam, as what might be considered such is filled with concrete, and thus made the foundation for the wickets.

Navigable pass and low weir on gravel.

COFFER-DAM AND FOUNDATION.

Material.	Price.	Quantity.	Cost.
Coffer-dam:			
Piles, 18 feet long	$3.16 per pile driven	2-5	$2 06
Sheet-piles	$6.65 per pile driven	2	13 30
Stringers	$35 per 1,000 feet	980 feet	34 30
Small sheet-piles	$1.50 per pile driven	2	3 00
Binders	$35 per 1,000 feet	7 feet	25
Bolts	3 cents per pound	200 pounds	6 00
Dredging	30 cents per yard	7 yards	2 10
Concrete	$5 per yard	5½ yards	27 50
Cut-stone	$15 per yard	1 13-100 yard	16 95
Sills	$45 per 1,000 feet	34 feet	1 51
Labor			5 00
Total per running foot			111 97

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High weir on gravel.

COFFER-DAM AND FOUNDATION.

Material.	Price.	Quantity.	Cost.
Piles, 13 feet long	$4.56 per pile driven	3	$3 36
Sheet-piles	$5.63 per pile driven	2	11 26
Stringers	$35 per 1,000 feet	80 feet	2 80
Binders	$45 per 1,000 feet	208.8 feet	9 40
Sills	$45 per 1,000 feet	34 feet	1 51
Concrete	$5 per yard	3 yards	15 00
Gravel	50 cents per yard	2 yards	1 00
Rip-rap	$2 per yard	1 yard	2 00
Labor			5 00
Total per running foot			51 33

Pier on gravel.

The cost of foundation will be the same as that for the pass on gravel. The area of the pier will either be included in the coffer-dam for the pass, or in that for the low weir, and therefore its cost can be obtained from the one given for these parts by omitting the cut-stone and sills and multiplying by 11.48.

We therefore have:

Foundation, (111.97—18.46) × 11.48	$1,073 50
Masonry and capstan, as per previous estimate	3,385 44
Total	4,458 94

Abutment on gravel.

The estimate already made for the abutment supposes it to be founded on gravel, and therefore it need not be changed.

SUMMARY.

Bringing together the estimates just made, we find the following:

Navigable pass on gravel.

Coffer-dam and foundation, per running foot	$111 97
Pumping, per running foot	3 00
Appurtenances of the sole, per running foot	25 55
Wicket	48 57
Total	189 09

Low weir on gravel.

Coffer-dam and foundation, per running foot	$111 97
Pumping, per running foot	3 00
Appurtenances of the sole, per running foot	21 29
Wicket	40 47
Total, per running foot	176 73

High weir on gravel.

Coffer-dam and foundation, per running foot	$51 33
Pumping, per running foot	3 00
Appurtenances of the sole, per running foot	17 03
Wicket	32 38
Total, per running foot	103 74
Pier	44 59
Abutment	86 46

TOTAL ESTIMATE FOR OHIO RIVER.

In making this estimate it is first necessary to have an approximate location for each lock and dam, and then to apply to the lengths thus determined the costs per running foot that are given above.

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In the estimate based on rock-foundation the prices per running foot do not contain the 20 per cent. for contingencies which was subsequently added, nor is it contained in the estimates per running foot for gravel-foundations; adding this percentage to the calculated sums per running foot, we have the following general table of costs, from which we can obtain the approximate costs of all the parts of any dam, whatever may be its length. The abutment is supposed in all cases to rest on sand or gravel, as also the dams for closing island-chutes.

Table of costs of different parts.

		Rock-foundation.	Gravel-foundation.
Lock		$179,610 00	$285,168 00
Navigable pass	per foot	166 40	226 91
Low weir	do	138 56	212 08
High weir	do	130 27	112 49
Pier		5,049 00	5,351 00
Abutment		.....	10,375 00
Dam behind island	per foot	.....	78 21

The following list gives the approximate locations for all the dams required on the Ohio, in order to give 6 feet of water for navigation at all times. It is not supposed that these exact sites will be chosen, because no detailed examination with a view to choosing sites was made below Wheeling, nor would it have been judicious to have expended any money on a more extended examination in advance of the actual construction of at least one movable dam. The experience which will necessarily be acquired in such construction will probably lead to some modifications in the plans herewith presented, though I am firmly of the opinion that these modifications will be improvements in details and not changes in the general plan.

It should be added that the special survey made last summer between Pittsburgh and Wheeling demonstrated that there was an error of about 8 feet in the fall between these two cities as reported in the final report of Mr. Milnor Roberts. I believe that for this part of the river Mr. Roberts used the old surveys of 1838, and the inaccuracy was probably in them. This error shows that two more dams will be required on the Ohio than he supposed. According to our present information 68 dams is all that will be needed.

Approximate location of proposed dams on Ohio River.

Number.	Miles from Pittsburgh.	Locality.	Length.	Lift of dam.
1	4.7	Davis's Island	1,580+ 420	6.000
2	8.0	Duff's Bar	1,040+ 450	5.769
3	11.3	White's Bar below Hayes's Run	1,350	6.441
4	13.8	Head of Deadman's Island	1,550	5.940
5	20.0	1,000 feet above Crow Island	1,160	6.054
6	26.5	Beaver Shoals	1,390	6,396
7	32.8	Foot of Montgomery's Island	1,425	6.770
8	37.8	Head of Georgetown Island	1,180	5.280
9	43.0	Foot of Babb's Island	1,500	6.000
10	54.5	Black's Island	1,000+ 600	6.000
11	62.0	Brown's Island	700+ 600	6.000
12	68.0	Head of Wells's Bar	1,350	6.000
13	77.5	Beech Bottom Bar	1,350	6.000
14	89.0	Head of Wheeling Island	1,000 × 700	7.000
15	94.0	Mouth of McMahon's Creek	1,100	7.018
16	102.0	2,000 feet below Big Grove Creek	1,200	6.000
17	112.5	1,400 feet above Fish Creek	750+ 750	6.000
18	119.3	2,600 feet below Opossum Creek	1,000	6.000

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Approximate location of proposed dams on Ohio River—Continued.

Number.	Miles from Pittsburgh.	Locality.	Length.	Lift of dam.
19	127.3	500 feet below Fishing Creek	1,350	6.000
20	138.4	Middle of Wells's Island	1,000+ 800	6.000
21	146.7	Head of Petticoat Bar	1,380	6.000
22	158.8	1,400 feet below Middle Brother	1,600	6.000
23	170.0	2,400 feet below Duck Creek	600+ 950	6.000
24	180.4	Head bar of Cole's Island	2,300	6.000
25	188.4	Foot of Blennerhassett's Island	1,650	6.000
26	202.2	Head of Belleville Bar	1,100+ 750	6.000
27	212.3	1,600 feet above Swan Bar	1,600	6.000
28	223.0	Head Old Town Bar	1,400	6.000
29	233.0	600 feet below Upper Letart's Island	850+ 450	6.000
30	239.8	Lower end of Wolf's Bar	1,380	6.000
31	243.7	3,700 feet below Big Broad Run	1,050	6.000
32	256.0	Lower point of 8-Mile Island	1,300	6.000
33	267.0	Lower Point of Gallipolis Island	1,600	6.000
34	285.3	460 feet above mouth of Pond Cut	1,400	6.000
35	289.1	Dogham Bar	1,450	6.000
36	308.3	Buffalo Creek Bar	1,350	6.000
37	315.8	Big Sandy Shoals	1,300	6.000
38	329.4	Ferguson's Bar	1,500	6.000
39	336.3	Jenalt's Shoals	1,500	6.000
40	351.3	Cub Creek Bar	1,150	6.000
41	364.5	Conoconneque Bar	1,750	6.000
42	382.0	Graham's Lower Station Bar	1,850	6.000
43	393.8	Upper end of Manchester	1,830	6.000
44	419.0	Lower end of Straight Creek Bar	1,800	6.000
45	444.5	Richmond Bar	1,850	6.000
46	456.0	Four-mile Bar	1,700	6.000
47	485.6	Foot of Medoc Bar	1,670	6.000
48	501.3	Rising Sun Bar	1,950	6.000
49	509.5	Gunpowder Bar	2,000	6.000
50	530.8	Head Bar of Vevay Island	2,350	6.000
51	544.5	Locust Creek Bar	1,870	6.000
52	580.8	Grassy Flats	2,700	6.000
53	617.2	Christopher's Crossing	1,630	6.000
54	634.2	Moman's Bar	2,000	6.000
55	655.6	Foot of Upper Blue River Island	2,250	6.000
56	683.4	Lower point of Flint Island	2,800	6.000
57	709.3	Head of Hog's Point Bar	2,100	6.000
58	731.2	Foot of Anderson's Bar	2,700	6.000
59	752.3	Little Hurricane Island	2,550	6.000
60	767.7	Scuffletown Bar	3,250	6.000
61	796.4	Henderson's Island	2,250+ 650	6.000
62	813.3	Head of Walnut Bend	3,550	6.000
63	838.2	580 feet above mouth of Wabash River	1,700+1,350	6.000
64	859.5	Battery Rock towhead	3,250	6.000
65	873.7	Head of Hurricane Island	2,300+1,370	6.000
66	907.5	Cumberland Island	2,800+1,000	6.000
67	942.5	Head of Grand chain	5,000	6.000
68	960.0	Just above mouth of Cache River	4,000	4.000

Sum of widths of main river ..... 116,[illegible]
Sum of widths of island chute ..... 10,[illegible]

I have had the above table prepared, not with the expectation that the sites selected will actually be chosen, but because such a table will undoubtedly give a sum of lengths of dam that cannot be greatly in error; and, therefore, it will represent the total length of dam required much better than can be obtained by multiplying the number of dams by any arbitrarily assumed averages, unless that average be determined from such a table.

It is impossible at present to tell how many of these locks and dams will rest on rock. I think, however, it will be safe for this general estimate to assume that twelve locks, eight navigable passes, six low weirs, and three high weirs will be on rock, and the remainder on gravel. Rock can be found on many shores for the establishment of the lock; and sometimes this rock can be found half-way or more across the river. It is very rare, however, to find it extending across the entire river with-

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out being so covered with gravel as to make it better not to carry the weirs down to it.

A width of 400 feet in the clear will be given to each navigable pass, and to each low weir. The width occupied by high weir will be estimated at the entire width of the river, diminished by the space occupied by the lock, (assumed at 50 feet, on the supposition that part of the rock will be in the bank,) by the width of the two weirs, and by the widths of the two piers. The width of high weir will, therefore, be the width of the river, diminished by 878 feet. The sum of all the widths of river at the selected sites being 118,885 feet, the sum of the widths of high weir will be 118,885 − 873 × 68 = 59,521 feet; dividing this by 68, we find the average length of each high weir to be 875 feet. Bearing in mind that the high weirs on rock will only be found, if at all, in the upper part of the river, it will be safer to give these three high weirs an average width of 600 feet, thus making the average width of the 65 on gravel 888 feet.

FINAL ESTIMATE.

12 locks on rock, at $179,610	$2,155,320
56 locks on gravel, at $285,168	15,969,408
8 navigable passes on rock, at $166.40 × 400	532,480
60 navigable passes on gravel, at $226.91 × 400	5,445,840
6 low weirs on rock, at $138.56 × 400	332,544
62 low weirs on gravel, at $212.08 × 400	5,259,584
3 high weirs on rock, at $130.27 × 600	234,486
65 high weirs on gravel, at 112.49 × 888	6,492,923
23 piers on rock, at $5,049	116,127
113 piers on gravel, at $5,351	604,663
68 abutments on gravel, at $10,375	705,500
70,840 lineal feet of dam across island-chutes, at $78.21	847,796
Total cost of radical improvement of the Ohio	38,696,671

The above estimate has been made with a great deal of care, and is about the best that it is possible under our present knowledge. It is a very difficult and uncertain task to make estimates for works of such magnitude in the absence of practical experience in construction of a single one, and I would not presume to undertake it at the present time, were it not for positive orders to do so. Considering the additional difficulties that will be encountered below the falls of the Ohio, on account of the short and uncertain season for work, and the enormous masses of sand that are transported by the current, which will undoubtedly cause delays and extra work, I think it would be safer to put the whole estimate at $40,000,000, which is at the rate of $41,365 per mile, the total length of the Ohio River being 967 miles. Bearing in mind the enormous tonnage that would be borne on the river, if it were made navigable throughout the year, it does not seem unreasonable to request appropriations for its improvement at least equal to the sum that would be required to build a railroad of equal length.

Poor's Railroad Manual for 1873–'74 gives the following as the average cost per mile of the railroads in the United States, deduced from the sum of the stock and bonds of the companies owning them:

	Per mile.
New England States	$50,418
Middle States	79,427
Western States	50,550

These numbers include rolling-stock and expenses of all kinds.

In making appropriations for the radical improvement of the Ohio, it should be borne in mind that the radical improvement should commence at the upper end of the river, and that it would be unjust to the commerce of the remainder of the river to entirely neglect it while work

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was progressing at the upper end. To remove obstructions, do necessary dredging, keep up the central office, and build the dikes required for the temporary improvement of the remainder of the river, would require about $200,000 per annum, gradually decreasing to $50,000 after the works were completed. This last sum, unless raised from tolls, would be perpetually required for the maintenance of the central office in charge of the works, the snag-boat for removing snags, and the two dredges, for which occupation would always be found in keeping the locks and passes clear of deposits and in improving the river for navigation when the dams were down.

To give some idea of how much money would be required to secure the radical improvement of the Ohio, and of the time necessary to construct the works, I have prepared the following table, based on the suppositions that the river below the dams will not be neglected, and that the tolls charged on the finished works will meet their own expenses for repairs and attendance. To construct one lock will probably require two seasons, and to construct one dam will require two seasons more. There is nothing, however, to prevent simultaneous work at all the sites selected; and, in fact, this would be the better method, in order to reduce to a minimum the disturbance to navigation.

I assume that whenever a part of the river is being prepared for locks and dams, that in this portion no part of the $150,000 allowed for gradually decreasing improvements by dikes, dredging, and other temporary works, will be required. In other words, if half the dams are under contract, there will only be required for misellaneous expenditures, outside of the system of locks and dams, $\$50,000 + \frac{\$150,000}{2} = \$125,000$.

The upper half of the river contains more dams than the lower half; but I have neglected this consideration, believing that it would be an unnecessary refinement.

Time for completion.	Annual appropriations.				Grand total.
	For locks and dams.	For snagging.	For dredging, &c.	Total in each year.	
Four years	$10, 000, 000	1st 4 years	$50, 000	$10, 050, 000	$40, 200, 000
Eight years	5, 000, 000	1st 4 years	125, 000	5, 125, 000	40, 700, 000
		2d 4 years	50, 000	5, 050, 000	
Sixteen years	2, 500, 000	1st 4 years	162, 500	2, 662, 500	41, 700, 000
		2d 4 years	125, 000	2, 625, 000	
		3d 4 years	87, 500	2, 587, 500	
		4th 4 years	50, 000	2, 550, 000	
Thirty-two years	1, 250, 000	1st 4 years	181, 250	1, 431, 250	43, 700, 000
		2d 4 years	162, 500	1, 412, 500	
		3d 4 years	143, 750	1, 393, 750	
		4th 4 years	125, 000	1, 375, 000	
		5th 4 years	106, 250	1, 356, 250	
		6th 4 years	87, 500	1, 337, 500	
		7th 4 years	68, 750	1, 318, 750	
		8th 4 years	50, 000	1, 300, 000	
Sixty-four years	625, 000	1st 4 years	190, 625	815, 625	47, 700, 000
		2d 4 years	181, 250	806, 250	
		3d 4 years	171, 875	796, 875	
		4th 4 years	162, 500	787, 500	
		5th 4 years	153, 125	778, 125	
		6th 4 years	143, 750	768, 750	
		7th 4 years	134, 375	759, 375	
		8th 4 years	125, 000	750, 000	
		9th 4 years	115, 625	740, 625	
		10th 4 years	160, 250	731, 250	
		11th 4 years	96, 875	722, 875	
		12th 4 years	87, 500	712, 500	
		13th 4 years	78, 125	703, 125	
		14th 4 years	68, 750	693, 750	
		15th 4 years	59, 375	684, 375	
		16th 4 years	50, 000	675, 000	

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In conclusion I would add that I am not at all assured in my own mind that the system proposed will be found serviceable on the Ohio below the falls. But I do feel sure that it is a better system than that of permanent dams; and besides, it is the only other system that promises the depth required by the Senate Committee on Transportation. The system of dikes for controlling and guiding the current cannot be depended upon to give more than 4 feet at dead low water, and even this depth will require an immense development of these works.

However, if the system of movable dams is commenced at Pittsburgh, and gradually brought down the river, we will pass by degrees from hard bottom to soft sand, and while so doing we will acquire abundant experience as to the practicability of successfully encountering the shifting sands of the lower river.

It may be interesting in this connection to state that in France, between 1821 and 1853, the government spent 535 millions of francs, equal to 107 millions of dollars, in improving navigation, partly by canals and partly by rivers; during the same time private companies spent 100 millions of francs, or 20 millions of dollars, for the same purpose. I have no statistics on this subject since 1853, but the additional sum expended must be very large, as several canals have been built, and also all the larger movable dams in the Seine, Marne, and other rivers. These facts are well worth consideration, in view of the extraordinary resources recently displayed by France in bearing the burdens imposed by the disastrous war with Germany.

I inclose herewith a small drawing showing the proposed arrangement of lock and dam for the Ohio. I do not inclose drawings of the Chanoine wicket, as they accompanied my last annual report, although it is proper to add that I do not propose the use of the movable bridge shown in these drawings, but expect to work the wickets by a maneuvering boat.

I have been greatly indebted, in the labor of preparing this report, to the assistance of Lieut. F. A. Mahan, Engineers, who made the estimates on movable dams, and to Mr. W. Weston, assistant engineer, who made the estimates on the locks and on the dams for closing island-chutes.

Respectfully submitted.

WM. E. MERRILL,
Major of Engineers.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers U. S. A.

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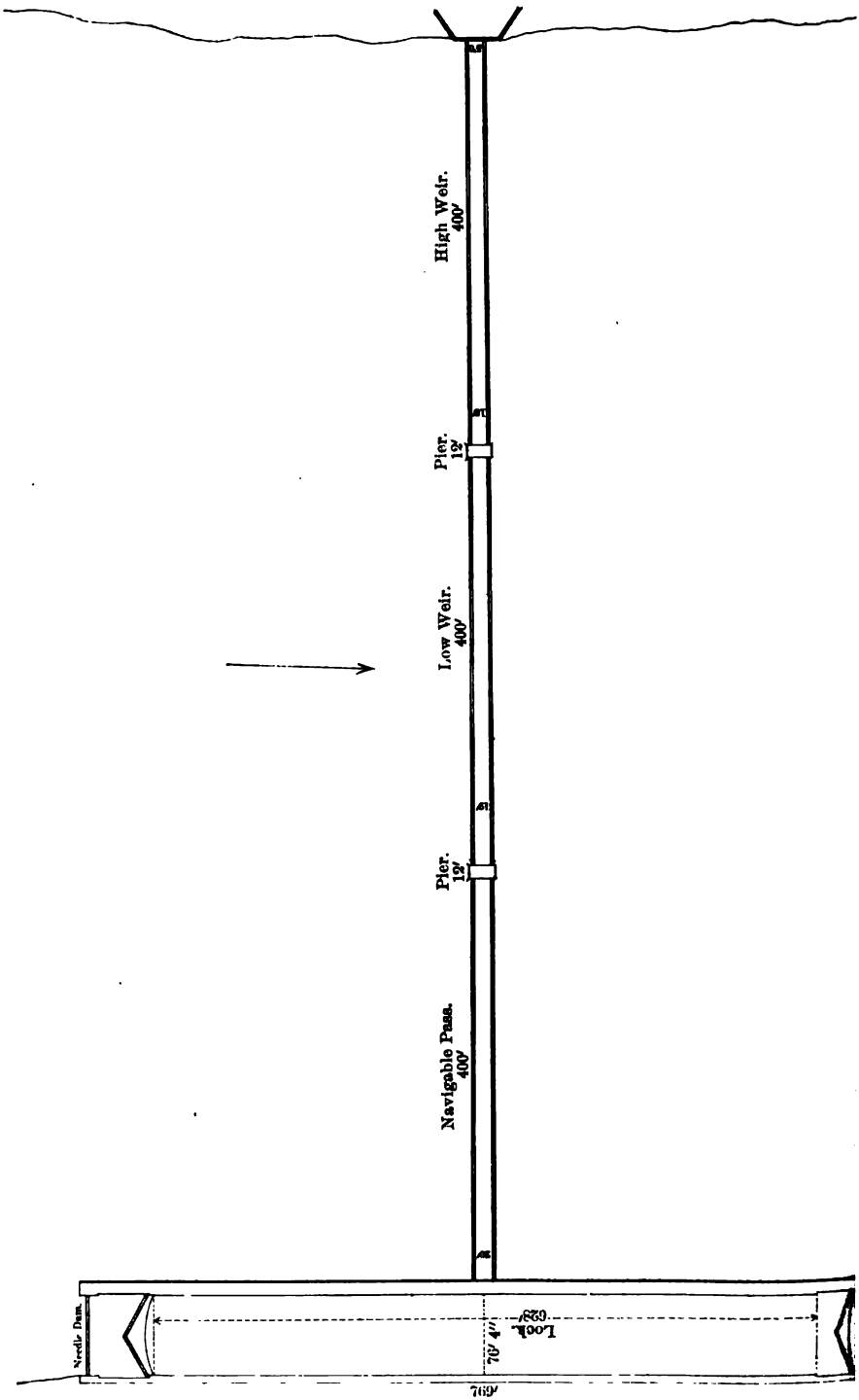

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 20.

LETTER

FROM

THE SECRETARY OF WAR,

ACCOMPANYING

A letter of the Chief of Engineers relative to the purchase, by the Engineer Department, in 1863, of land adjacent to the fort at Willet's Point, New York Harbor.

JANUARY 29, 1875.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *January* 27, 1875.

The Secretary of War has the honor to transmit to the United States Senate letter of the Chief of Engineers, dated the 23d instant, relative to the purchase by the Engineer Department, in 1863, of lands adjacent to the fort at Willet's Point, New York Harbor, with draught of a bill to confirm the purchase of said land, and, for reasons stated by the Chief of Engineers, to recommend that the same may receive the favorable action of Congress.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 23, 1875.

SIR: From information communicated to this office by letter from the Third Auditor, dated the 20th instant, it appears that in settlement of accounts of William P. Trowbridge, formerly agent of the Engineer Department, credit to him for $28,002, applied to purchase of $26\frac{35}{100}$ acres of land, has been denied under a decision of the Second Comptroller dated May 29, 1867.

The land in question was necessary for enlargement of site of the fort at Willet's Point, and was purchased by authority of the Secretary of War, dated March 26, 1863, and paid for by Mr. Trowbridge under instructions from this office, dated March 27, 1863, out of appropriation of $250,000, "For fort at Willet's Point, opposite Fort Schuyler, New York," (Statutes, vol. 12, page 655;) no doubt, probably, being then entertained that an appropriation for the construction of a fort was as applicable to the purchase of land deemed necessary to its efficiency as it was to the purchase of materials required for its construction. It seems, however, that under the decision of the Comptroller, Mr. Trow-

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bridge, whose agency under this office ceased several years since, is still held accountable to the United States for this $28,002, and cannot be credited therewith and his account closed without additional legislation. This case is, in all material respects, analogous to the case of purchase of land for additional batteries at Fort Hamilton, New York, in reference to which an act was passed at the last session of Congress, (18 Statutes, page 276, section 3,) and I therefore recommend that application be made to Congress for the passage of an act or joint resolution of similar tenor, to confirm the purchase of the land for fort at Willet's Point, and to that end respectfully submit a bill, in which is embodied the provisions of the third section of the act of June 23, 1874, by which the purchase of land at Fort Hamilton was confirmed, and under which the agent who paid the purchase-money has been credited with the amount.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

A BILL to confirm the purchase of certain land at fort at Willet's Point, N. Y.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purchase, by order of the Executive Department, under the authority supposed to be conferred by the act of February 20, 1863, making appropriation for construction, &c., of certain fortifications, &c., of certain land at fort at Willet's Point, N. Y., consisting of twenty-six acres and thirty-five hundredths of an acre, and conveyed to the United States by deed from Henry Day, of April 14, 1863, which said deed has been pronounced by the Attorney-General, by opinion of April 24, 1863, to vest a good and valid title in the United States, and which land now constitutes a portion of the site of fort at Willet's Point, be, and the same is hereby, confirmed.

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43D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 21.

LETTER

FROM

THE SECRETARY OF WAR,

COMMUNICATING

A protest of the officers of the Tenth Regiment of Cavalry against the passage of a House bill to authorize the restoration of George A. Armes to the rank of captain.

JANUARY 29, 1875.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *January* 28, 1875.

The Secretary of War has the honor to transmit to the United States Senate, for the information of the Committee on Military Affairs, petition of officers of the Tenth Regiment of Cavalry, protesting against the passage of House bill No. 3949, "to authorize the restoration of George A. Armes to the rank of captain."

The Department concurs in the views expressed in this petition.

WM. W. BELKNAP.
Secretary of War.

FORT SILL, INDIAN TER., *January* 7, 1874.

To the honorable Chairman Military Committee of the House of Representatives:

We, the undersigned officers of the Army, your petitioners, respectfully represent that it has come to our knowledge that one George A. Armes, late a captain of the Tenth Regiment of Cavalry, United States Army, is endeavoring to get re-instated in the service as a captain, and that a bill has lately been introduced in the House of Representatives to effect this object, viz, H. R. No. 3949.

As we are well acquainted with the career of this individual, either through personal knowledge or the testimony of others, we are satisfied that he is utterly unfitted for a commission in the Army, and therefore think it proper to inform your honorable committee of his former reputation and standing among his associates, for your consideration and action.

We regard George A. Armes as unworthy, in consequence of deficiency in education, intellect, and morality, and think him wanting in those qualities that constitute the true officer and gentleman.

He was illiterate to such a degree that he could not indite the most ordinary official or personal communication without making it apparent in the diction and spelling.

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His record as a company commander shows such maladministration of the affairs of his company as to establish clearly either his incompetency or gross neglect of duty, and the mildest criticism is to ascribe his blunders and failures to an unevenly-balanced mind and intellect.

Many allegations affecting the standing and character of Armes came to his personal knowledge at Fort Riley, Kans., in 1868, but he made no effort to clear himself and vindicate his reputation, although asked to do so by his comrades; and his whole conduct so disgusted the officers serving with him that they declined thereafter to associate with him.

During his career as an officer he was in trouble with nearly every commanding officer that he served under, upon various questions affecting his standing as a soldier or as a gentleman.

He was in arrest nearly three-fourths of the time during his service in the Tenth Cavalry, and was tried by court-martial three times in a period of three years, and was finally dismissed from the service by sentence of general court-martial, approved by the President.

We beg to call the attention of your honorable committee to this case to support the interests of the service, being actuated by a desire to perform that which we deem to be a duty.

Testimony to substantiate the allegations herein made can be furnished if necessary.

J. W. DAVIDSON, *Lieut. Col. Tenth Cavalry, Commanding Regiment.*

From personal acquaintance with and knowledge of the man.

G. W. SCHOFIELD, *Maj. Tenth Cavalry, Bvt. Col. U. S. A.*
F. L. TOWN, *Surgeon, United States Army.*
C. H. CARLTON, *Captain Tenth Cavalry.*
L. H. CARPENTER, *Captain Tenth Cavalry.*
W. B. KENNEDY, *Captain Tenth Cavalry.*
WARREN C. BEACH, *Captain Eleventh Infantry.*
GAINES LAWSON, *Captain Twenty-fifth Infantry.*
ALEX. S. B. KEYES, *Captain Tenth Cavalry.*
S. T. NORVELL, *Captain Tenth Cavalry.*
J. M. KELLEY, *First Lieutenant Tenth Cavalry.*
ROBT. G. SMITHER, *First Lieutenant Tenth Cavalry.*
S. L. WOODWARD, *First Lieutenant and Adjutant Tenth Cavalry.*
L. H. ORLEMAN, *First Lieutenant Tenth Cavalry.*
J. WILL. MYERS, *Second Lieutenant Tenth Cavalry.*
JOHN B. VANDE WIELE, *Captain Tenth Cavalry.*
CHAS. D. VIELE, *Captain Tenth Cavalry.*

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 22.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

COMMUNICATING,

In answer to a Senate resolution of March 19, 1874, *information in relation to the number of Indians captured or killed by United States troops during the year* 1873.

FEBRUARY 1, 1875.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 29, 1875.

SIR: On the 19th day of March, 1874, this Department received a resolution of the Senate in the following words:

That the Secretary of the Interior be, and he is hereby, directed to communicate to the Senate any information in his possession or that may be attainable through Indian inspectors, superintendents, and agents, as to the number of Indians, including women and children, who have been taken as captives or killed by United States troops during the year 1873, and particularly under what circumstances so captured or killed, and upon whose order or for what cause, and whether or not upon their reservations, as well as the tribes to which at the time they severally belonged. Also the number and description of citizens and soldiers killed by Indians during the same period. Also that he make like inquiry for the six months ending June 30, 1874, and report to Congress in December next.

In answer to said resolution, I have the honor to transmit herewith a copy of a report from the Commissioner of Indian Affairs, dated the 27th instant, with the accompanying statement, containing such information as the Department has been able to collect in relation to the subject.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 27, 1875.

SIR: I have the honor to acknowledge by reference the receipt of a copy of a resolution passed by the United States Senate March 19, 1874, calling for a report relative to the number of Indians taken captive or killed by the United States troops; and the number of citizens and soldiers killed by Indians in the year 1873; also the same information covering the six months ending with June 30, 1874.

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The copy of the resolution was received on March 20, 1874, and a circular was immediately prepared calling for the desired information and mailed to each inspector, superintendent, and agent in the Indian service.

A copy of this circular is inclosed herewith.

The replies came in tardily, and many of those to whom the circular was addressed delayed responding till the termination of the whole period covered by the resolution, and it seems to have taken some time thereafter for some of the agents to obtain and forward the desired information. A few have not yet made returns.

But such returns as have been received have been collated and tabulated, and the results are transmitted herewith.

The degree of accuracy in the several statements has been incorporated in the tabulation.

	In 1873.	Six mos. of 1874.
According to the reports there were:		
Indians captured by United States troops	227	73
Indians killed by United States troops	405	158
Citizens killed by Indians	44	36
Soldiers killed by Indians	48	3

The copy of the resolution is returned herewith.

I have the honor to be, very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR,
Washington, D. C.

(1874—No. 2.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 1, 1874.

SIR: The resolution hereto appended, passed by the United States Senate March 19, 1874, and calling for information relative to the capturing and killing of Indians by United States troops on the one side, and of citizens and soldiers on the other, is so explicit as fully to explain itself. In order to enable the Department properly to comply with its requirements, you will use due diligence to ascertain all the facts contemplated by the resolution within the limits of your official jurisdiction, and make special report of them to this Office as soon as ascertained.

Observe that the resolution contemplates two different reports, the one to cover all the cases which occurred during the year 1873, and the other those occurring during the six months ending June 30, 1874, and each to furnish the following facts:

1. The number of Indians, including women and children, who have been taken as captives, or killed by United States troops, and particularly under what circumstances they were so captured or killed, and upon whose order, or for what cause, and whether or not they were upon their reservations at the time; also the names of the tribes to which they severally belonged.

2. The number and description of citizens, including name, age, and sex, and of soldiers killed by Indians during the same periods; also, as far as possible, the names of the tribes to which such Indians belonged.

You will give diligent attention to this matter, and furnish in every case, as far as may be practicable, the exact dates of the facts and occurrences you may have to report.

Very respectfully, your obedient servant,

———,
Commissioner.

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RESOLUTION.

IN THE SENATE OF THE UNITED STATES, MARCH 19, 1874.

Resolved, That the Secretary of the Interior be, and he is hereby, directed to communicate to the Senete any information in his possession, or that may be attainable through Indian inspectors, superintendents, and agents, as to the number of Indians, including women and children, who have been taken as captives or killed by United States troops, during the year 1873, and particularly under what circumstances so captured or killed, and upon whose order or for what cause, and whether or not upon their reservations, as well as the tribes to which, at the time, they severally belonged; also the number and description of citizens and soldiers killed by Indians during the same period; also that he make like inquiry for the six months ending June 30, 1874, and report to Congress in December next.

Attest:

GEO. C. GORHAM,
Secretary.

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Indians captured or killed by United States troops during the year 1873.

State or Territory.	Date.	Tribe.	Captured.	Killed.	By whose order, cause, and circumstances.
Arizona	Mar. 15	Mojave		1 man; on his reservation	Killed while resisting arrest for intoxication by soldiers under orders of post-commander.
Do	Aug. 12	Tonto Apaches		100 to 150 men, women, and children; not on their reservation.	These Indians were part of over 900 who left their reservation, and were killed by United States troops sent out by the post-commander to bring them back to the reservation, which attempt they resisted or evaded.
Do	Sept. —	Apaches		Delesche, an Apache chief, and his band of 50; not on their reservation.	This chief was in open hostility to the community, and committing outrages on citizens and friendly Indians; and was killed, with all his band, (it is supposed,) by United States troops and scouts acting under orders of the post-commander.
Do	During the year.	Apaches of Camp Verde	39 men, women, and children.	193 men, women, and children.	Reported by Inspector Daniels, who does not give further details.
Dakota		Supposed to have been Arapahoes of Sioux reservation.		Whistler and 2 other men; not on their reservation.	Reported by Agent Saville; no details given.
Do	July —	Arapahoes of Sioux reservation.		4 men	Do.
Idaho	July —	Bannacks of Lemhi reservation.		3 men, or, according to Agent Reed, 4 men.	A band of Bannacks was arrested by the sheriff for various offenses, and put in charge of the post-commander at Fort Hall; some six months prior, and while out cutting wood under guard, these men, in attempting to escape, were killed by the guard, United States troops.
Indian Territory	Dec. 9	Comanches of Kiowa and Comanche reservation.		9 men; 1 woman; not known whether on or off their reservation.	These Indians were surprised and killed by a detachment of United States troops from Camp Clark, under command of Lieutenant Hudson; place and cause for this attack not stated.
Montana	April —	Assinaboines of Blackfeet reservation.		17 men, women, and children; supposed to be on their reservation.	Whites from Fort Benton, in pursuit of a band of British Indians, (Crees, horse-stealers,) came upon these Assinaboines in camp, and attacked and killed them. It is not stated whether United States troops were engaged.
New Mexico	June 13	Mescalero Apaches		2 men; not on their reservation.	These Indians were part of a band of horse-thieves who fled from Hot Springs reservation or agency, and were pursued and killed by United States troops, under orders from the post-commander.
Do	June 24	Apache		1 woman; on her reservation.	Killed by a chance-shot from the guard of United States troops at Southern Apache agency, in an affray resulting from attempt to arrest some drunken Indians.
Do	July 24	do	27, mostly women and children, arrested on their reservation.		Arrested on their reservation by the post-commander, and detained for a few days at request of Superintendent L. K. Dudley, to compel a council of Indians.

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Do	July 30	do	2 men, arrested on their reservation.		These Indians were arrested by the post-commander at request of Agent B. M. Thomas, and detained a few days as hostages to compel the chief to perform his promises. No further particulars given.
Do	Oct. 1	Mescalero Apaches		1 man, 1 woman	Part of band which had left their reservation and were killed in evading or resisting an attempt to bring them back to their reservation by United States troops under orders from post-commander.
Oregon Lava Beds, Jackson County.	May —	Modocs	159 men, women, and children captured or surrendered.	7 men, 8 women, 3 children	In the Modoc war, under the general commanding.

Indians captured or killed by United States troops during the six months ending June 30, 1874.

Arizona	Feb. —	Apaches	29 men, women, and children alleged to have been confined at Camp Apache.	53 men, women, and children, as reported by the chiefs, and 100 to 150, according to United States officers. Not on their reservation.	Eskimingin, an Apache chief at San Carlos agency, was arrested and put in the guardhouse by order of the officer in command at that post. He escaped and fled to the mountains, and his example was followed by a large portion of the reservation Indians. United States troops and Indian scouts, under the orders of the officer in command, pursued and attempted to bring them back, and the Indians resisted with said result.
Do		Apaches of Camp Verde	44, supposed all men	29 men, women, and children. Not on their reservation.	Circumstances not given, except that the Indians were driven into the reservation by United States troops in March, April, and May.
Dakota	Apr. 26	Sioux of Red Cloud agency		6 men	These Indians were alleged to have been horse-thieves, and were pursued by United States troops from Fort Fetterman and killed, as per dispatch April 26, 1874, of Major Chambers, Fourth United States Infantry, to adjutant-general Department of the Platte.
Do	Mar. —	do		12 men	Killed by Bozeman expedition. Reported by Agent Saville, who does not state whether United States troops composed part of that expedition.
Texas	Feb. 5	Kiowas or Comanches		10 men, 1 woman	Surprised and killed by United States troops from Fort Griffin, Texas, under Lieut. Col. Buel.

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Indians captured or killed by United States troops during the year 1873.

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Indian Territory	Dec. 9	Comanches of Kiowa and Comanche reservation.		9 men; 1 woman; not known whether on or off their reservation.	These Indians were surprised and killed by a detachment of United States troops from Camp Clark, under command of Lieutenant Hudson; place and cause for this attack not stated.
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Do	July 24	do	27, mostly women and children, arrested on their reservation.		Arrested on their reservation by the post-commander, and detained for a few days at request of Superintendent L. E. Dudley, to compel a council of Indians.

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Do	July 30	do	2 men, arrested on their reservation.		These Indians were arrested by the post-commander at request of Agent B. M. Thomas, and detained a few days as hostages to compel the chief to perform his promises. No further particulars given.
Do	Oct. 1	Mescalero Apaches		1 man, 1 woman	Part of band which had left their reservation and were killed in evading or resisting an attempt to bring them back to their reservation by United States troops under orders from post-commander.
Oregon Lava Beds, Jackson County.	May —	Modocs	159 men, women, and children captured or surrendered.	7 men, 8 women, 3 children	In the Modoc war, under the general commanding.

Indians captured or killed by United States troops during the six months ending June 30, 1874.

Arizona	Feb. —	Apaches	29 men, women, and children alleged to have been confined at Camp Apache.	53 men, women, and children, as reported by the chiefs, and 100 to 150, according to United States officers. Not on their reservation.	Eskimingin, an Apache chief at San Carlos agency, was arrested and put in the guard-house by order of the officer in command at that post. He escaped and fled to the mountains, and his example was followed by a large portion of the reservation Indians. United States troops and Indian scouts, under the orders of the officer in command, pursued and attempted to bring them back, and the Indians resisted with said result.
Do		Apaches of Camp Verde	44, supposed all men	29 men, women, and children. Not on their reservation.	Circumstances not given, except that the Indians were driven into the reservation by United States troops in March, April, and May.
Dakota	Apr. 26	Sioux of Red Cloud agency		6 men	These Indians were alleged to have been horse-thieves, and were pursued by United States troops from Fort Fetterman and killed, as per dispatch April 26, 1874, of Major Chambers, Fourth United States Infantry, to adjutant-general Department of the Platte.
Do	Mar. —	do		12 men	Killed by Bozeman expedition. Reported by Agent Saville, who does not state whether United States troops composed part of that expedition.
Texas	Feb. 5	Kiowas or Comanches		10 men, 1 woman	Surprised and killed by United States troops from Fort Griffin, Texas, under Lieut. Col. Buel.

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Citizens and soldiers killed by Indians during the year 1873.

State or Territory.	Reservation.	Date.	Name and description.	By whom killed.	Circumstances.
Arizona	Camp Verde		5 white men, citizens, names not given	Rio Verde Apaches	
		Aug. —	Townsend, citizen	Tonto Apaches	
		Aug. —	2 men, names not given	do	
Do	Near Utah line	Dec. 20	George McLennan, white, from Nevada	Pi Utes and Navajoes	
			Charles Martin, white, from Utah		
Do	White Mountain		Lieutenant Almy, United States Army	Apaches from White Mountain reservation.	
			Hospital steward, name not given	do	
			2 white men, names not known	do	
		Sept. 17	John M. Logan	do	
Dakota	Sioux	Mar. 19	Frank Grimmer, a Canadian	Minneconjoux Indians	
			Byron D. Kraner	Lone Horse band of Minneconjoux Indians.	
		June —	Mrs. Richards		
		June —	Mrs. Hall		
		June —	White man, name not known		
		Apr. —	Peter Dodson		
		Apr. —	David Rodgers		
		Apr. —	—— Dekalt		
Montana	Blackfeet	Sept. —	Joseph Rebold, a Mexican	Northern Cheyennes and Arapahoes.	These Indians were on a stock-stealing raid when they encountered and murdered Rebold and Noyes.
		Sept. —	Charles Noyes, white, aged 28		
		May 2	—— Rivers, aged 30	North Assinaboines	These men engaged in selling liquor to the Indians, and were killed in an affray with drunken Indians.
		May 2	White man, unknown		
Do	On the Yellowstone	Aug. —	Veterinary Surgeon Hansinger	Not known	
		Aug. —	William Balleran	do	
		Aug. —	White man, unknown	do	
Do	Crow	Sept. 3	Charles Boyd, white	Arapahoes and Northern Cheyennes.	
		Sept. 3	Joseph Hosea, Mexican		
		June —	Louis Gagnon	Assinaboines	
			F. H. Terrault	Sioux	
New Mexico	Mescalero Apache	Oct. —	2 herders	Mescalero Apaches	
Do	Hot Springs	July 13	1 United States soldier	Apaches	
Oregon	Lava-Beds	Apr. 11	General E. R. S. Canby	Modocs	Modoc war.
		Apr. 11	Dr. E. Thomas	do	Do.
		Apr. 14	Lieutenant Sherwood, Twenty-first Infantry	do	Do.
		May —	Patrick McGrath, First Cavalry	do	Do.
		May —	Corporal James I. Totten, First Cavalry	do	Do.
		May —	Private Adolphus Fisher, First Cavalry	do	Do.
		May —	Corporal Edward Drew, Twelfth Infantry	do	Do.
		May —	Private Ch. Johnson, First Cavalry	do	Do.

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		May —	Bugler William Learlea, First Cavalry	do	Do.
		May —	Bugler William Smith, Fourth Artillery	do	Do.
		May —	Private H. C. Hasman, Fourth Artillery	do	Do.
		May —	Sergt. Richard Morgan, Fourth Artillery	do	Do.
		May —	Private John Welsh, Twelfth Infantry	do	Do.
		May —	Captain Thomas, Fourth Artillery	do	Do.
		May —	First Lieut. Albion Howe, Fourth Artillery	do	Do.
		May —	First Lieut. T. F. Wright, Fourth Artillery	do	Do.
		May —	Private John Ward, Fourth Artillery	do	Do.
		May —	Private Michael Wallace, Fourth Artillery	do	Do.
		May —	Private James Rose, Fourth Artillery	do	Do.
		May —	Sergt. Robert Romer, Fourth Artillery	do	Do.
		May —	Private William Bayle, Twelfth Infantry	do	Do.
		May —	Private Thomas Howard, Twelfth Infantry	do	Do.
		May —	Private Berthold Russbaum, Twelfth Infantry	do	Do.
		May —	John Parker, Fourth Artillery	do	Do.
		May —	Bugler Ed. Moran, Fourth Artillery	do	Do.
		May —	Private John Collins, Fourth Artillery	do	Do.
		May —	Corporal Law. Mooney, Fourth Artillery	do	Do.
		May —	Private John Lynch, Fourth Artillery	do	Do.
		May —	Private F. W. Gieb, Twelfth Infantry	do	Do.
		May —	First Lieut. Arthur Cranston, Fourth Artillery	do	Do.
		May —	Sergeant Herman Seelig, Fourth Artillery	do	Do.
		May —	Private Louis Bloom, Fourth Artillery	do	Do.
		May —	Private James E. Albein, Fourth Artillery	do	Do.
		May —	Corporal Julius St. Clair, Twelfth Infantry	do	Do.
		May —	Private Michael Flinn, Twelfth Infantry	do	Do.
		May —	Second Lieutenant G. M. Harris, Fourth Artillery	do	Do.
		May —	Private W. F. Benham, Twelfth Infantry	do	Do.
		May —	Sergeant M. Clinton, Twelfth Infantry	do	Do.
		May —	Private George Hollas, First Cavalry	do	Do.
		May —	Private C. W. Lavalle, First Cavalry	do	Do.
		May —	Private Carl Glasman, Twenty-first Infantry	do	Do.
		May —	Private James Monroe, Twenty-first Infantry	do	Do.
		May —	Private John Branner, Twenty-first Infantry	do	Do.
		May —	Private John Benson, Twenty-first Infantry	do	Do.
		May —	Private Robert Long, Twenty-first Infantry	do	Do.
		May —	Frank Hoag, packer	do	Do.
		May —	John R Brown, First Oregon Volunteers	do	Do.
		May —	W. F. Trimble, First Oregon Volunteers	do	Do.
		May —	George W. Roberts, California	do	Do.
		May —	Jeremiah Crook, California	do	Do.
		May —	Louis Weber, citizen	do	Do.
		May —	Two Indian scouts	do	Do.
Texas	Near Pan Handle	Aug. 25	Unknown man, a surveyor	Cheyennes, as supposed	
	Port Griffin	Sept. 13	Howell Walker	Comanches, as supposed	
		Sept. 13	Son of Howell Walker		
	Fort Richardson	Sept. 13	E. Fenlin	Comanches	
	Not stated	Oct. 10	Unknown white	Not known	
	Jackson County	Oct. 10	Unknown herder	do	

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Citizens and soldiers killed by Indians during the six months ending June 30, 1874.

State or Territory.	Reservation.	Date.	Name and description.	By whom killed.	Circumstances.
Arizona	White Mountain		One man, unknown	Apaches	
		Jan. 31	Two men, unknown	do	
		Feb. 3	Three men, unknown	do	
			Two women, unknown	do	
			Two children, unknown	do	
Dakota	Sioux	Feb. 22	E. Collins, private, United States Army	Minneconjoux	
		Feb. 8	Frank Appleton, clerk at Red Cloud Agency	Lone Horse	
		Mar. —	Charles Manchester		
		Mar. —	—— Yates		
		Feb. —	—— Gray		
		Feb. —	One United States soldier, unknown		
		Feb. —	Lieutenant Robinson, United States Army		
		Feb. 6	Edward Gray, teamster	Northern Sioux	
Do	Fort Berthold	May —	Christopher Weaver		Killed while chopping wood.
Indian Territory	Cheyenne and Arapahoe	May 21	John F. Holloway, agency employé		
		June or July.	Pat Hennessy, George Fand, Thomas Calloway, and Ed. Cook, teamsters.	Cheyennes	Found killed on the road, and their wagons plundered.
Do	Kiowa and Comanche		One man, driver for English party	Kiowas or Comanches	
			One man, member of Hackbush's surveyors	do	
Minnesota	Leech Lake		One man, unknown	Leech Lake Indians	
	White Earth	Feb. 2	Miss Costello	Pillager Indians	In an affray between the father of Miss Costello and a Pillager Indian the latter fired through the door and killed Miss Costello.
Montana	Blackfeet		John Rock, aged 23	North British Blackfeet	Killed while chopping wood.
Do	Judith Basin Blackfeet	Apr. 11	Three or four men	Piegan Sioux	
		Apr. 11	Frederick P. Howard	Northern Piegans	These men were whisky-traders, and were killed in an affray with drunken Indians.
		Apr. 11	Joseph Day		
Nebraska	Forks of the North Loup	Jan. 19	One man, unknown	Sioux	
Do	Green County	Mar. 2	Joseph Ditts	Roving Indians	
Texas	Near Kiowa and Comanche.		Andy Parks	Not known	
			Henry Bowen, from Oregon, Mo	do	
		June 4	—— Walker	Comanches, as supposed	

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 23.

REPORT

OF THE

ACTING SECRETARY OF THE TREASURY,

IN ANSWER TO

A Senate resolution of December 18, 1873, *in relation to the number of bales of cotton seized under orders from that Department after the close of the war.*

FEBRUARY 3, 1875.—Referred to the Committee on Claims and ordered to be printed.

TREASURY DEPARTMENT,
Washington, D. C., February 1, 1875.

SIR: I have the honor to transmit herewith, in the form of tabular statements, certain information requested by the resolution of the Senate of the 18th of December, 1873, in the following words:

"*Resolved*, That the Secretary of the Treasury be requested to report, for the information of the Senate, so far as such information has not already been communicated to either House of Congress—

"1st. The number of bales of cotton seized under orders from the Department after the close of the war; from whom taken; by whom taken; by whom and when sold, and where sold, and at what price; and what disposition was made of the proceeds, and when and how much of the same went into the Treasury; and what disposition was made of the proceeds before being paid into the Treasury.

"2d. That he report a list of the claims filed before him, under the act of March, [May,] 1872, showing the name of each claimant, and how much cotton claimed was alleged to be taken from each, and when.

"3d. That he state the amount of expenses deducted from the proceeds of the sales of the cotton, and whether the same were allowed by the Department, and in whose favor."

The tabular statements herewith submitted, marked respectively from I to IX, with the explanations herein given, furnish as fully, and with as much particularity as is practicable, the information accessible to the Department, which the first and third clauses of the resolution require. The information desired by the second clause of the resolution is contained in the statement marked X, which is a list of all claims for the proceeds of cotton filed in the Department under the act of May 18, 1872, classified under the several States in which the cotton is alleged to have been seized.

Upon examination of the resolution in connection with the information which had previously been communicated to both Houses of Congress in relation to the collection and disposition of cotton, and which

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is embodied in various executive documents—of which a list is hereto annexed—it was found that the form of the information would not admit of a reference to it as answering, to any considerable extent, the requirements of the resolution. It became necessary, therefore, to examine anew all the voluminous records, reports, vouchers, and other papers of the many agents employed in the collection of the cotton, on file in the Department, or accessible to it, in order to trace as definitely as possible every lot of cotton from its first seizure to the payment of its proceeds into the Treasury.

The frequent changes in agency lines, and of agents, engaged after the close of the war in collecting the cotton of the late confederate government scattered throughout the South, the disorganized state of affairs in that section upon the disbanding of the confederate armies, and other causes, produced great confusion, and much irregularity in the operations of the several special agencies.

Many of the agents employed in collecting and forwarding the cotton failed to keep detailed records, and to make full reports of their transactions, as required by the regulations of the Department, and efforts to obtain needed information from the various localities where collections were made have been only partially successful.

In very many instances, therefore, after the most careful and thorough examination, it is impossible to trace the cotton to the person from whose possession it was taken, or beyond the locality where seized. And, in tracing the cotton from its collection to the disposition of its proceeds, in many cases it is only possible to follow it as part of a larger quantity, comprised of several lots intermingled together, or by regarding it in its proper proportion to the whole amount of cotton accounted for by the agent by whom it was collected.

The cotton collected after the close of the war, with the exception of about three thousand bales sold by supervising special agents, and the proceeds disbursed for agency-expenses, was consigned by such agents to Simeon Draper, United States cotton-agent at New York, by whom it was sold, and the proceeds thereof accounted for to this Department.

The sales were made at semi-monthly intervals, between July, 1865, and October, 1866, and immediately after each sale the proceeds were deposited in the National Bank of Commerce, New York, United States depository, and transferred, from time to time, between October, 1865, and November, 1866, to the assistant treasurer at New York to the credit of the Treasurer of the United States, with whom they remained until covered into the Treasury as receipts from captured and abandoned property.

The amount deducted from the proceeds of the cotton comprises the expenses of collection, rebaling, transportation, insurance, freight, expenses of sale, commissions, &c., which were paid to the many persons employed to perform the services and labor, by the supervising and assistant special agents, the agent at New York, and in some instances by the Department, upon proper vouchers now on file with the accounts of the respective agents, which have been examined and adjusted by the Department.

With great respect, your obedient servant,

CHAS. F. CONANT,
Acting Secretary of the Treasury.

The PRESIDENT
of the United States Senate.

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List of executive documents relating to captured and abandoned property, &c

39th Congress, 2d session, House of Representatives, Ex. Doc. No. 97: Captured and forfeited cotton.

39th Congress, 2d session, Senate, Ex. Doc. No. 37: Letter from the Secretary of the Treasury, relative to the proceeds of sale of cotton, &c.

39th Congress, 2d session, House of Representatives, Ex. Doc. No. 114: Letter of the Secretary of the Treasury, relative to cotton-claims.

40th Congress, 2d session, Senate, Ex. Doc. No. 22: Letter from the Secretary of the Treasury, relative to captured and abandoned property.

40th Congress, 2d session, Senate, Ex. Doc. No. 56: Letter of the Secretary of the Treasury, relative to the sale of captured and abandoned cotton.

40th Congress, 3d session, House of Representatives, Ex. Doc. No. 82: Letter from the Secretary of the Treasury, relative to the proceeds of captured and abandoned property.

41st Congress, 3d session, House of Representatives, Ex. Doc. No. 113: Letter from the Secretary of the Treasury, relative to the sale of captured vessels, cotton, &c.

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I.—*Statement of captured cotton collected in the first special agency subsequent to June 1, and forwarded to and sold by Simeon Draper,*

From whom collected.	Where collected.	By whom collected or forwarded.	When received.	No. of bales received.	No. of bales sold at Cincinnati by General Mellon.	No. of bales to New York.
	Georgia	A. J. McKay, A. Q. M	June 5, 1865	78	78	
	do	do	June 6, 1865	111	111	
		S. B. Eaton		7	7	
	Georgia	A. J. McKay	June 19, 1865	222	222	
	Eastport, Miss	Major-General Hatch	June 19, 1865	95	95	
	do	do	June 19, 1865	23	23	
	Georgia	A. J. McKay, A. Q. M	June 27, 1865	33		33
	do	do	June 27, 1865	141		141
	do	do	July 8, 1865	77		77
N. Bass	Macon, Ga	J. R. Dillin	Sept. 6 to 15, 1865.	157		157
	Atlanta, Ga			57		57
Importing and Exporting Company.	Macon, Ga	W. F. Alexander		36		117
Do	do	do		32		
Do	do	do		49		
J. G. Davis	Perry, Ga	do		38		
—— Stewart	Cuthbert, Ga	do		6		90
Importing and Exporting Company.	Macon, Ga	do		46		
Do	do	do		60		60
Do	do	do	Dec. 19, 1865	18		18
Do	do	do	Dec. 19, 1865	16		16
Do	do	do	Dec. 19, 1865	4		4
			Dec. 19, 1865	6		6
				8		8
J. H. Bivins	Butler, Taylor County, Ga.	C. T. Wharton	Jan. 31, 1866	42		75
John Fitzpatrick	Bibb County, Ga	do	Jan. 31, 1866	18		
Chapel Epps	do	do	Feb. 6, 1866	15		
John J. Floyd	Macon, Ga	do	Feb. 27, 1866	29		29
Do	do	do	Mar. 8, 1866	7		7
Importing and Exporting Company.	do	do	Mar. 8, 1866	36		36
B. H. Zellner	do	do	Mar. 8, 1866	22		22
J. G. Davis	Houston County, Ga.	W. F. Alexander	Apr. 13, 1866	4		37
W. Reid	West Point, Ga	L. B. Brasher	Apr. 4, 1866	32		
Lucius Lovelace	do	do	Apr. 4, 1866	1		
Do	do	do	Apr. 4, 1866	24		24
J. M. Chivers	do	A. S. Bayless	Apr. 4, 1866	20		20
F. A. Billingsley	Albany, Ga	W. C. Buntz		24	Sold at Apalachicola. 84.	
E. Wimberley	do	do		25		50
H. A. Scott	do	do		9		50
W. W. Kendrick	do	do		33		
A. Walker	do	do		33		
James Baggs	Newton, Ga	do		30		
W. A. Scott	Columbus, Ga	J. A. Alexander		30		

* Proceeds of five bales released by Secretary of

1865, *under J. R. Dillin and H. M. Buckley, supervising special agents, Nashville, Tenn., United States cotton-agent at New York.*

Date of shipment.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Nashville.	Expenses to and at Cincinnati.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Net proceeds.
.....	.....	78	$10,767 87	$1,183 10	$928 25	.....	.....	$2,111 25	$8,656 52
.....	.....	111	19,394 87	1,145 95	1,542 04	.....	.....	2,687 99	16,706 88
.....	.....	7	1,223 10	72 27	97 24	.....	.....	169 51	1,053 59
.....	.....	222	30,647 00	3,367 30	2,641 95	.....	.....	6,009 25	24,637 75
.....	July 17, 1865	95	21,515 25	552 50	1,341 51	.....	.....	1,894 01	19,621 24
.....	.....	23	3,648 65	120 50	266 65	.....	.....	393 15	3,255 50
Oct. 13, 1865	July 20, 1866	440	3,206 02	396 00	.....	$315 54	$287 86	999 40	2,206 62
			13,698 47	1,692 00	.....	1,348 20	1,229 97	4,270 17	9,428 30
			7,480 72	924 00	.....	736 25	671 69	2,331 94	5,148 78
			15,252 90	1,143 76	.....	1,501 19	1,369 55	4,014 50	11,238 40
			5,537 68	684 00	.....	545 02	497 23	1,726 25	3,811 43
.....	Mar. 15, 1866	36	5,269 10	432 00	.....	306 00	397 93	1,135 93	4,133 17
		32	4,683 63	384 00	.....	272 00	353 72	1,009 72	3,673 91
		49	7,171 81	588 00	.....	416 48	541 64	1,546 12	5,625 69
.....	Sept. 12, 1866	38	3,690 30	456 00	.....	361 00	445 52	1,262 52	2,427 78
		6	582 67	72 00	.....	57 00	70 35	199 35	383 32
		46	4,467 19	552 00	.....	437 00	539 32	1,528 32	2,938 87
.....	Apr. 3, 1866	60	8,302 75	720 00	.....	480 00	814 12	2,014 12	6,288 63
Feb. 1, 1866	Apr. 3, 1866	18	2,996 43	216 00	.....	144 00	272 02	632 02	2,364 41
Feb. 6, 1866	.....	16	2,320 40	192 00	.....	152 00	222 96	566 96	1,753 44
Feb. 6, 1866	Apr. 3, 1866	4	580 09	48 00	.....	38 00	55 73	141 73	438 36
.....	.....	6	870 12	72 00	.....	57 00	83 60	212 60	657 52
.....	Apr. 3, 1866	8	2,330 32	96 00	.....	64 20	175 83	336 03	1,994 29
Feb. 7, 1866	Apr. 3, 1866	42	5,965 89	504 00	.....	388 50	578 33	1,470 83	4,495 06
		18	2,556 81	216 00	.....	166 50	247 85	630 35	1,926 46
		15	2,130 67	180 00	.....	138 75	206 55	525 30	1,605 37
Mar. 2, 1866	May 25, 1866	29	4,092 52	348 00	.....	275 50	354 45	977 95	3,114 57
.....	.....	7	802 23	84 00	.....	75 83	107 30	267 13	535 10
Mar. 12, 1866	Sept. 12, 1866	28	3,208 91	336 00	.....	303 33	429 20	1,068 53	2,140 38
.....	.....	22	2,521 28	264 00	.....	238 34	337 22	839 56	1,681 72
Apr. 19, 1866	.....	4	523 84	48 00	.....	34 00	54 23	136 23	387 61
Apr. 20, 1866	Sept. 12, 1866	32	4,190 77	384 00	.....	272 00	433 83	1,089 83	3,100 94
May 23, 1866	.....	1	130 96	12 00	.....	8 50	13 56	34 06	96 90
May 23, 1866	Sept. 12, 1866	24	2,520 50	288 00	.....	192 00	203 01	683 01	1,837 49
July 4 or 5, 1866.	Sept. 12, 1866	20	370 73	110 05	.....	199 50	61 18	370 73	.....
					Expenses to and at Apalachicola.				
.....	.....	24	2,921 82	.....	$492 36	81 85	80 15	654 36	2,267 46
.....	May 25, 1866	25	3,043 59	.....	512 90	85 26	83 50	681 66	2,361 93
.....	July 20, 1866	9	1,095 50	.....	184 64	30 70	30 06	245 40	850 10
.....	.....	33	4,017 52	.....	677 02	112 55	110 20	899 77	3,117 75
.....	.....	33	4,017 52	.....	677 02	112 55	110 20	899 77	3,117 76
.....	.....	30	4,525 25	.....	615 46	102 34	100 20	818 00	3,707 25
.....	.....	30	5,691 82	.....	315 00	300 00	503 05	1,118 05 *761 24	3,812 53

the Treasury to W. A. Scott, January, 1867.

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I.—*Statement of captured cotton collected in*

From whom and where collected.	By whom collected.	By whom shipped.	When received.	No. of bales received.	No. of bales to New York.	Date of shipment.	Vessel.
			1865.			1865.	
A. S. Nelson, Greene Co., Ala	R. K. Sterling	S. R. Eaton, assistant agent Selma, Ala.	Sept. 26	55	55	Nov. 24	E. Wright, jr.
R. Levy, Greene Co., Ala	do	do	do	27	27	do	do
E. L. Kimbrough, Greene Co., Ala.	do	do	do	59	59	do	do
W. H. Taylor, Marengo Co., Ala		do	Oct. 21	32	32	do	do
Chas. Walker, Marengo Co., Ala		do	do	16	16	do	do
Do		do	do	16	16	do	do
A. P. Calhoun, Marengo Co., Ala		do	do	13	13	do	do
Jno. W. Dubose, Marengo Co., Ala.		do	do	16	16	do	do
Estate J. Croome, Marengo Co., Ala.		do	do	10	10	do	do
Jno. Y. Gholson, Marengo Co., Ala.		do	do	4	4	do	do
G. W. Minge, Marengo Co., Ala.		do	do	2	2	do	do
Eli Boyer, Perry Co., Ala	A. L. Wilkinson	do	Oct. 27	146	146	do	do
J. & R. Lee, on B. Holmes's plantation, Perry Co., Ala.	do	do	do	4	4	do	do
Mrs. Stickney, Marengo Co., Ala.		do	Nov. 3	35	35	do	do
Henry Watson, Greene Co., Ala	R. K. Sterling	do	do	6	6	do	do
R. Randolph, Greene Co., Ala	do	do	do	22	22	do	do
J. H. Wynne, Greene Co., Ala	do	do	do	13	13	do	do
O. A. Wynne, Greene Co., Ala	do	do	do	34	34	do	do
J. V. F. Walker, Dallas Co., Ala	E. A. Lee and McCarthy, assistant ag'ts.	do	do	14	14	do	do
Estate J. Underwood, Dallas Co., Ala.	do	do	do	3	3	do	do
A. C. Jones, Greene Co., Ala	R. K. Sterling	do	do	33	33	do	do
Sam'l Dorrah, Perry Co., Ala	A. L. Wilkinson	do	Oct. 27	22	22	Dec. 9	G. W. Roosevelt.
James Lee, Perry Co., Ala	do	do	do	8	8	do	do
E. A. Blunt, Perry Co., Ala	do	do	do	11	11	do	do
Mrs. E. H. Tipton, Dallas Co., Ala.	E. A. Lea	do	do	7	7	do	do
A. W. Coleman, Dallas Co., Ala.	do	do	do	44	44	do	do
W. A. Williams, Dallas Co., Ala	do	do	do	19	19	do	do
			Oct. 25	18	18	do	do
——, Montgomery, Ala		E. P. Hotchkiss, ass't agent.	Nov. 9	4	4	do	do
——, Montgomery, Ala		do	Nov. 10	3	3	do	do
G. Whitfield, Marengo Co., Ala.		Leslie Ellis, assistant ag't.	Nov. 18	118	118	do	do
J. T. Evans, Marengo Co., Ala		do	do	55	55	do	do
J. T. Walton, Marengo Co., Ala.		do	do	64	64	do	do
——, Demopolis, Ala		A. D. Banks	do	90	90	do	do
——, Pickens Co., Ala		James & Ellis, contractors.	Oct. 12	36	36	Dec. 22	Lovett Peacock.
A. Hood, Pickens Co., Ala		do	Oct. 13	80	80	do	do
——, Pickens Co., Ala		do	Oct. 21	94	94	do	do
		do	Oct. 24	84	84	do	do
		do	Oct. 30	23	23	do	do
		do	Nov. 21	48	48	do	do
		do	Nov. 20	176	176	do	do
		do	Nov. 25	18	18	do	do
——, Montgomery, Ala		E. P. Hotchkiss, ass't agent.	Nov. 30	2	2	do	do
——, Demopolis, Ala		do	Dec. 6	14	14	do	do
		Leslie Ellis, assistant ag't.	Dec. 22	110	110	do	do

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the first special agency, &c.—Continued.

Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Mobile.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds released by the Secretary of the Treasury.			Proceeds in the Treasury.
							Date of release.	To whom released.	Amount released.	
1866. Jan. 9	55	$8, 161 31	$874 80	$515 81	$398 95	$1, 789 56	1866. Dec. 10	Benj. Jolly	$4, 204 36	$2, 167 39
..do ...	27	4, 006 46	419 76	253 22	195 86	868 84	.....	.....	.....	3, 137 62
..do ...	59	8, 754 86	923 70	553 32	428 02	1, 905 04	Dec. 10	Benj. Jolly	4, 519 75	2, 330 07
..do ...	32	4, 748 40	452 69	300 11	232 12	984 92	.....	.....	.....	3, 763 48
..do ...	16	2, 374 20	223 87	150 05	116 06	489 98	.....	.....	.....	1, 884 22
..do ...	16	2, 374 20	250 12	150 05	116 06	516 23	.....	.....	.....	1, 857 97
..do ...	13	1, 929 04	238 26	121 92	94 30	454 48	.....	.....	.....	1, 474 56
..do ...	16	2, 374 20	223 47	150 05	116 06	489 58	.....	.....	.....	1, 884 62
..do ...	10	1, 483 88	163 30	93 78	72 54	329 62	.....	.....	.....	1, 154 26
..do ...	4	593 55	46 18	37 51	29 01	112 70	.....	.....	.....	480 85
..do ...	2	296 78	23 09	18 76	14 51	56 36	.....	.....	.....	240 42
..do ...	146	21, 664 57	2, 502 62	1, 369 24	1, 059 06	4, 930 92	Dec. 10	Benj. Jolly	11, 041 40	5, 692 25
..do ...	4	593 55	68 63	37 51	29 01	135 15	.....	.....	.....	458 40
..do ...	35	5, 193 56	704 [illegible]	328 24	253 88	1, 286 66	.....	.....	.....	3, 906 90
..do ...	6	890 32	141 29	56 27	43 52	241 08	.....	.....	.....	649 24
..do ...	22	3, 264 52	536 40	206 32	159 58	902 30	.....	.....	.....	2, 362 22
..do ...	13	1, 929 04	341 25	121 92	94 30	557 47	.....	.....	.....	1, 371 57
..do ...	34	5, 045 18	690 24	318 86	246 63	1, 255 73	.....	.....	.....	3, 789 45
..do ...	14	2, 077 42	426 88	131 30	101 56	659 74	.....	.....	.....	1, 417 68
..do ...	3	445 16	70 81	28 14	21 76	120 71	.....	.....	.....	324 45
..do ...	33	4, 896 79	854 79	309 50	239 37	1, 403 66	.....	.....	.....	3, 493 13
Mar. 2	22	3, 271 80	445 69	181 70	211 78	839 17	.....	.....	.....	2, 432 63
..do ...	8	1, 189 75	161 97	66 08	77 01	305 06	.....	.....	.....	884 69
..do ...	11	1, 635 90	222 79	90 85	105 90	419 54	.....	.....	.....	1, 216 36
..do ...	7	1, 041 02	141 94	57 82	67 39	267 15	.....	.....	.....	773 87
..do ...	44	6, 543 60	778 43	363 41	423 57	1, 565 41	Dec. 10	Benj. Jolly	3, 284 57	1, 693 62
..do ...	19	2, 825 65	247 62	156 93	182 91	587 46	.....	.....	.....	2, 238 19
..do ...	18	2, 676 93	309 41	148 67	173 28	631 36	.....	.....	.....	2, 045 57
..do ...	4	594 87	75 18	33 04	38 51	146 73	.....	.....	.....	448 14
..do ...	3	446 16	92 38	24 78	28 88	146 04	.....	.....	.....	300 12
..do ...	118	17, 548 74	1, 313 54	974 61	1 135 92	3, 424 07	Dec. 10	Benj. Jolly	9, 319 93	4, 804 74
..do ...	55	8, 179 50	827 45	451 27	529 46	1, 811 18	..do ...	....do	4, 201 72	2, 166 60
..do ...	64	9, 517 95	868 44	528 60	616 10	2, 013 14	..do ...	....do	4, 951 93	2, 552 88
..do ...	90	13, 384 63	1, 218 94	743 34	866 38	2, 828 06	.....	.....	.....	10, 555 97
July 20	36	3, 505 08	468 52	244 70	309 44	1, 022 66	.....	.....	.....	2, 482 42
..do ...	80	7, 789 07	1, 161 26	543 77	687 65	2, 392 68	Dec. 10	Benj. Jolly	3, 560 38	1, 836 01
..do ...	94	9, 152 15	1, 231 88	638 92	807 98	2, 678 78	.....	.....	.....	6, 473 37
..do ...	84	8, 178 52	1, 101 13	570 95	722 04	2, 394 12	.....	.....	.....	5, 784 40
..do ...	23	2, 239 36	303 06	156 33	197 70	657 09	.....	.....	.....	1, 582 27
..do ...	48	4, 673 44	683 86	326 26	412 59	1, 422 71	.....	.....	.....	3, 250 73
..do ...	176	17, 135 94	2, 510 77	1, 196 29	1, 512 83	5, 219 89	.....	.....	.....	11, 916 05
..do ...	18	1, 752 54	116 71	122 35	154 72	393 78	.....	.....	.....	1, 358 76
..do ...	2	194 73	78 78	13 60	17 19	109 57	.....	.....	.....	85 16
..do ...	14	1, 363 09	324 38	95 16	120 34	539 88	.....	.....	.....	823 21
..do ...	110	10, 709 97	1, 993 00	747 68	945 52	3, 686 20	.....	.....	.....	7, 023 77

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I.—*Statement of captured cotton collected in*

From whom and where collected.	By whom collected.	By whom shipped.	When received.	No. of bales received.	No. of bales to New York.	Date of shipment.	Vessel.
			1865.			1865.	
S. R. Cook, Greene Co., Ala		S. B. Eaton, Gainesville, Ala.	Dec. 19	1	1	Dec. 19	Mary E. Rowland.
R. C. Pettigrew, Greene Co., Ala		do	do	2	2	do	do
E. Lightfoot, Greene Co., Ala		do	do	3	3	do	do
J. B. Pippin, Greene Co., Ala		do	do	8	8	do	do
J. F. Cross, Greene Co., Ala		do	do	2	2	do	do
T. C. Cox, Greene Co., Ala		do	do	2	2	do	do
F. M. Kirksey, Greene Co., Ala		do	do	18	18	do	do
Estate R. W. Hill, Greene Co., Ala		do	do	4	4	do	do
J. Steele, Greene Co., Ala		do	do	4	4	do	do
E. Dunlap, Greene Co., Ala		do	do	9	9	do	do
W. S. Means, Greene Co., Ala		do	do	2	2	do	do
T. Eatman, Greene Co., Ala		do	do	10	10	do	do
W. Coleman, Greene Co., Ala		do	do	3	3	do	do
T. Colvin, Greene Co., Ala		do	do	7	7	do	do
T. M. Colvin, Greene Co., Ala		do	do	1	1	do	do
Do		do	do	1	1	do	do
A. D. Colvin, Greene Co., Ala		do	do	1	1	do	do
A. S. Allen, Greene Co., Ala		do	do	2	2	do	do
M. D. Kimbrough, Greene Co., Ala.		do	do	1	1	do	do
A. C. Tyree, Greene Co., Ala		do	do	1	1	do	do
C. R. Walker, Greene Co., Ala		do	do	2	2	do	do
P. George, Greene Co., Ala		do	do	3	3	do	do
R. E. Hill, Greene Co., Ala		do	do	1	1	do	do
J. Carpenter, Greene Co., Ala		do	do	7	7	do	do
B. Cox, Greene Co., Ala		do	do	4	4	do	do
P. Lightfoot, Sumter Co., Ala		do	do	20	20	do	do
R. T. Knott, Sumter Co., Ala		do	do	18	18	do	do
P. Burtt, Sumter Co., Ala		do	do	12	12	do	do
A. Arrington, Sumter Co., Ala		do	do	8	8	do	do
B. Bell, Sumter Co., Ala		do	do	8	8	do	do
Estate A. Porter, Sumter Co., Ala.		do	do	2	2	do	do
Crosswell & Webb, Sumter Co., Ala.		do	do	22	22	do	do
J. D. Barney, Sumter Co., Ala		do	do	23	23	do	do
W. C. Wyatt, Sumter Co., Ala		do	do	4	4	do	do
Estate Willis, Sumter Co., Ala		do	do	4	4	do	do
H. C. Burzley, Sumter Co., Ala		do	do	1	1	do	do
S. Walker, Sumter Co., Ala		do	do	4	4	do	do
Mrs. Riddle, Sumter Co., Ala		do	do	9	9	do	do
Joe Childers, Sumter Co., Ala		do	do	2	2	do	do
W. C. Edwards, Sumter Co., Ala		do	do	15	15	do	do
H. Canfield, Sumter Co., Ala		do	do	2	2	do	do
F. McKeown, Sumter Co., Ala		do	do	3	3	do	do
R. W. B. Kennedy, Sumter Co., Ala.		do	do	2	2	do	do
Estate T. Blakeley, Sumter Co., Ala.		do	do	7	7	do	do
S. B. Cook, Sumter Co., Ala		do	do	2	2	do	do
P. G. Nash, Sumter Co., Ala		do	do	2	2	do	do
Josiah Wrenn, Sumter Co., Ala		do	do	19	19	do	do
E. H. Wrenn, Sumter Co., Ala		do	do	4	4	do	do
M. C. Houston, Sumter Co., Ala		do	do	9	9	do	do
D. O. White, Sumter Co., Ala		do	do	1	1	do	do
Est. W. Neale, Sumter Co., Ala		do	do	14	14	do	do
J. R. Tompkins, Sumter Co., Ala.		do	do	4	4	do	do
T. W. Coleman, Sumter Co., Ala.		do	do	20	20	do	do
		Leslie Ellis	Dec. 22	110	110	do	do
						1866.	
Samuel Cowan, Greene Co., Ala		S. B. Eaton	Oct. 21	40	40	Jan. 9	Navirino
J. B. Pippin, Greene Co., Ala		do	Dec. 20	10	10	do	do
W. H. & J. B. Pippin, Greene Co., Ala.		do	do	8	8	do	do
Do		do	do	3	3	do	do
J. F. Cross, Greene Co., Ala		do	do	3	3	do	do
U. T. McLemore, Greene Co., Ala		do	do	1	1	do	do
T. Eatman, Greene Co., Ala		do	do	2	2	do	do

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the first special agency, &c.—Continued.

Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Mobile.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds released by the Secretary of the Treasury. Date of release.	To whom released.	Amount released.	Proceeds in the Treasury.
1866.							1866.			
Mar. 22		$150 34	$34 38	$8 68	$9 40	$52 46				$97 88
..do ...		300 67	68 77	17 37	18 81	104 95				195 72
..do ...		451 01	103 15	26 05	28 20	157 40				293 61
..do ...		1,202 70	295 10	69 46	75 21	439 77	Dec. 10	Benj. Jolly	$563 44	259 49
..do ...		300 67	68 77	17 37	18 81	104 95				195 72
..do ...		300 67	68 77	17 37	18 81	104 95				195 72
..do ...		2,706 07	618 96	156 28	169 24	944 48	Dec. 10	Benj. Jolly	1,162 60	598 99
..do ...		601 35	137 54	34 73	37 61	209 88				391 47
..do ...		601 35	137 54	34 73	37 61	209 88				391 47
..do ...		1,353 04	309 48	78 14	84 61	472 23				880 81
..do ...		300 67	68 77	17 37	18 81	104 95				195 72
..do ...		1,503 37	343 83	86 82	94 03	524 68				978 69
..do ...		451 01	103 15	26 05	28 20	157 40	Dec. 10	Benj. Jolly	193 99	99 62
..do ...		1,052 36	240 68	60 78	65 82	367 28				685 08
..do ...		150 34	34 38	8 68	9 40	52 46				97 88
..do ...		150 34	34 38	8 68	9 40	52 46				97 88
..do ...		150 34	34 38	8 68	9 40	52 46				97 88
..do ...		300 67	68 77	17 37	18 81	104 95				195 72
..do ...		150 34	34 38	8 68	9 40	52 46				97 88
..do ...		150 34	34 38	8 68	9 40	52 46				97 88
..do ...		300 67	68 77	17 37	18 81	104 95				195 72
..do ...		451 01	103 15	26 05	28 20	157 40				293 61
..do ...		150 34	34 38	8 68	9 40	52 46				97 88
..do ...	450	1,052 36	240 68	60 78	65 82	367 28				685 08
..do ...		601 35	137 54	34 73	37 61	209 88				391 47
..do ...		3,006 74	767 72	173 65	188 03	1,129 40				1,877 34
..do ...		2,706 07	690 96	156 28	169 25	1,016 49				1,689 58
..do ...		1,804 05	412 60	104 19	112 82	629 61				1,174 44
..do ...		1,202 70	355 10	69 46	75 21	499 77				702 93
..do ...		1,202 70	357 10	69 46	75 21	501 77				700 93
..do ...		300 67	68 77	17 37	18 81	104 95				195 72
..do ...		3,307 43	786 50	191 01	206 84	1,184 35				2,123 08
..do ...		3,457 76	820 89	199 70	216 24	1,236 83				2,220 93
..do ...		601 35	186 18	34 73	37 61	258 52				342 83
..do ...		601 35	147 54	34 73	37 61	219 88				381 47
..do ...		150 34	35 78	8 68	9 40	53 86				96 48
..do ...		601 35	142 54	34 73	37 61	214 88				386 47
..do ...		1,353 04	312 48	78 14	84 61	475 23				877 81
..do ...		300 67	68 77	17 37	18 81	104 95				195 72
..do ...		2,255 07	575 65	130 23	141 02	846 90				1,408 17
..do ...		300 67	77 97	17 37	18 81	114 15				186 52
..do ...		451 01	115 15	26 05	28 20	169 40				281 61
..do ...		300 67	71 52	17 37	18 81	107 70				192 97
..do ...		1,052 36	254 68	60 78	65 82	381 28				671 08
..do ...		300 67	76 77	17 37	18 81	112 95				187 72
..do ...	2	300 67	87 37	17 37	18 81	123 55				177 12
..do ...	19	2,856 41	664 14	164 96	178 63	1,007 73				1,848 68
..do ...	4	601 35	148 54	34 73	37 61	220 88				380 47
..do ...	9	1,353 07	309 48	78 14	84 61	472 23				880 84
..do ...	1	150 34	41 18	8 68	9 40	59 26				91 08
..do ...	14	2,104 72	526 40	121 55	131 62	779 37				1,325 15
..do ...	4	601 35	177 14	34 73	37 61	249 48				351 87
..do ...	20	3,006 75	687 72	173 65	188 03	1,049 40				1,957 35
..do ...	110	16,537 12	1,995 00	955 07	1,034 18	3,984 25				12,552 87
Apr. 13	40	4,791 74	555 10	364 11	363 79	1,283 00	Dec. 10	Benj. Jolly	2,315 30	1,193 44
..do ...	10	1,197 94	338 50	91 03	90 95	520 48	..do ...	....do	467 70	209 76
..do ...	8	958 35	250 00	72 92	72 77	395 59				562 76
..do ...	3	359 38	93 75	27 31	27 29	148 35				211 03
..do ...	3	359 38	93 75	27 31	27 29	148 35				211 03
..do ...	1	119 79	31 25	9 10	9 10	49 45				70 34
..do ...	2	239 59	62 50	18 21	18 19	98 90				140 69

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I.—*Statement of captured cotton collected in*

From whom and where collected.	By whom collected.	By whom shipped.	When received.	No. of bales received.	No. of bales to New York.	Date of shipment.	Vessel.
			1865.			1866.	
C. R. Walker, Greene Co., Ala		S. B. Eaton	Dec. 20	1	1	Jan. 9	Navirine
P. Lightfoot, Sumter Co., Ala		do	do	10	10	do	do
P. Burtt, Sumter Co., Ala		do	do	1	1	do	do
A. Arrington, Sumter Co., Ala		do	do	9	9	do	do
Est. A. Porter, Sumter Co,. Ala		do	do	4	4	do	do
W. C. Wyatt, Sumter Co., Ala		do	do	5	5	do	do
H. Canfield, Sumter Co., Ala		do	do	1	1	do	do
D. O. White, Sumter Co., Ala		do	do	1	1	do	do
Various, Sumter Co., Ala		do	do	384	384	do	do
Do		do	Dec. 21	14	14	do	do
			1866.				
		Leslie Ellis	Jan. 9	1	1	do	do
		do	do	91	91	do	do
——— ———, Selma district		S. B. Eaton		70	70	Feb. 23	Burdett Hart
——— ———, Gainesville		do		80	80	do	
	E. P. Hotchkiss			12	12		M. E. Kellinger.
			1865.				
S. R. Cook, Greene Co., Ala		S. B. Eaton, Gainesville, Ala.	Dec. 21	3	3	Jan. 5	Aquidneck
R. C. Pettigrew, Greene Co., Ala		do	do	16	16	do	do
E. Lightfoot, Greene Co., Ala		do	do	9	9	do	do
J. B. Pippin, Greene Co., Ala		do	do	5	5	do	do
Do		do	do	14	14	do	do
W. H. and J. B. Pippin, Greene Co., Ala.		do	do	20	20	do	do
J. F. Cross, Greene Co., Ala		do	do	23	23	do	do
F. M. Kirksey, Greene Co., Ala		do	do	40	40	do	do
Estate R. W. Hill, Greene Co., Ala		do	do	3	3	do	do
J. Steele Greene Co., Ala		do	do	1	1	do	do
R. B. Dunlap, Greene Co., Ala		do	do	9	9	do	do
U. T. McLamore, Greene Co., Ala		do	do	8	8	do	do
T. Eatman, Greene Co., Ala		do	do	13	13	do	do
W. Coleman, Greene Co., Ala		do	do	30	30	do	do
A. F. Alexander, Greene Co., Ala		do	do	22	22	do	do
T. M. Colvin, Greene Co., Ala		do	do	1	1	do	do
S. A. Cockrell, Greene Co., Ala		do	do	7	7	do	do
M. D. Kimbrough, Greene Co., Ala.		do	do	1	1	do	do
Estate R. W. Hill, Greene Co., Ala		do	do	6	6	do	do
J. R. Ward, Greene Co., Ala		do	do	14	14	do	do
N. Carpenter, Greene Co., Ala		do	do	4	4	do	do
R. E. Hill, Greene Co., Ala		do	do	1	1	do	do
J. W. Taylor, Greene Co., Ala		do	do	2	2	do	do
A. McMillan, Greene Co., Ala		do	do	3	3	do	do
P. Lightfoot, Sumter Co., Ala		do	do	7	7	do	do
A. Arrington, Sumter Co., Ala		do	do	1	1	do	do
B. B. Bell, Sumter Co., Ala		do	do	7	7	do	do
Estate A. Porter, Sumter Co., Ala		do	do	4	4	do	do
J. D. Barney, Sumter Co., Ala		do	do	2	2	do	do
W. C. Wyatt, Sumter Co., Ala		do	do	1	1	do	do
H. C. Burzley, Sumter Co., Ala		do	do	4	4	do	do
W. Coleman, Sumter Co., Ala		do	do	30	30	do	do
W. E. Edwards, Sumter Co., Ala		do	do	4	4	do	do
H. Canfield, Sumter Co., Ala		do	do	19	19	do	do
J. L. Walton, Sumter Co., Ala		do	do	12	12	do	do
R. W. B. Kennedy, Sumter Co., Ala.		do	do	6	6	do	do
S. B. Cook, Sumter Co., Ala		do	do	11	11	do	do
Josiah Wrenn, Sumter Co., Ala		do	do	22	22	do	do
M. C. Houston, Sumter Co., Ala		do	do	8	8	do	do
J. H. Bell, Sumter Co., Ala		do	do	3	3	do	do
D. O. White, Sumter Co., Ala		do	do	6	6	do	do
Estate W. Neale, Sumter Co., Ala		do	do	24	24	do	do
T. W. Coleman, Sumter Co., Ala		do	do	2	2	do	do
Unknown, Tuscaloosa Co., Ala		do	do	4	4	do	do
Unknown, Sumter Co., Ala		do	do	11	11	do	do

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the first special agency, &c.—Continued.

Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Mobile.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds released by the Secretary of the Treasury.			Proceeds in the Treasury.
							Date of release.	To whom released.	Amount released.	
1866.							1866.			
Apr. 13	1	$119 79	$31 25	$9 10	$9 10	$49 45				$70 34
..do ...	10	1,197 94	352 50	91 03	90 95	534 48				663 46
..do ...	1	119 79	31 25	9 10	9 10	49 45				70 34
..do ...	9	1,078 14	371 25	81 93	81 86	535 04				543 10
..do ...	4	479 18	125 00	36 41	36 38	197 79				281 39
..do ...	5	598 97	217 05	45 52	45 48	308 05				290 92
..do ...	1	119 79	35 85	9 10	9 10	54 05				65 74
..do ...	1	119 79	38 05	9 10	9 10	56 25				63 54
..do ...	384	46,000 71	14,849 28	3,495 44	3,492 34	21,837 06	Dec. 20	John Duncan.	$11,376 10	12,787 55
..do ...	14	1,677 11	583 38	127 44	127 32	838 14	..do. ..	....do	414 75	424 22
..do ...	1	119 79	15 10	9 10	9 10	33 30				86 49
..do ...	91	10,901 21	1,383 20	828 35	827 61	3,039 16				7,862 05
May 25	70	6,975 94	1,578 60	567 33	651 04	2,796 97				4,178 97
.....	80	7,972 51	3,141 80	648 37	744 03	4,534 20	Dec. 20	John Duncan.	2,429 27	1,009 04
Sept. 12	12	1,064 39	152 50	66 36	137 00	355 86				708 53
Mar. 15	3	383 64	102 75	23 84	29 72	156 31				227 33
..do ...	16	2,046 10	548 00	127 16	158 47	833 63				1,212 47
..do ...	9	1,150 93	308 25	71 53	89 14	468 92				682 01
..do ...	5	639 41	184 25	39 74	49 52	273 51	Dec. 10	Benj. Jolly	241 60	124 30
..do ...	14	1,790 34	515 50	111 27	138 66	765 43	..do ...	....do	676 21	348 70
..do ...	20	2,557 62	685 00	158 95	197 97	1,041 92				1,515 70
..do ...	23	2,941 27	787 75	182 80	227 79	1,198 34				1,742 93
..do ...	40	5,115 25	1,370 00	317 91	396 16	2,084 07	Dec. 10	Benj. Jolly	1,999 90	1,031 28
..do ...	3	383 64	162 75	23 84	29 72	156 31				227 33
..do ...	1	127 88	34 25	7 95	9 91	52 11				75 77
..do ...	9	1,150 93	308 25	71 53	89 14	468 92				682 01
..do ...	8	1,023 05	274 00	63 58	79 23	416 81				606 24
..do ...	13	1,662 45	445 25	103 32	128 75	677 32				985 13
..do ...	30	3,836 43	1,261 50	238 43	297 12	1,797 05	Dec. 10	Benj. Jolly	1,446 98	592 40
..do ...	22	2,813 39	753 50	174 85	217 89	1,146 24				1,667 15
..do ...	1	127 88	34 25	7 95	9 91	52 11				75 77
..do ...	7	895 17	239 75	55 63	69 33	364 71				530 46
..do ...	1	127 88	34 25	7 95	9 91	52 11				75 77
..do ...	6	767 29	205 50	47 69	59 43	312 62				454 67
..do ...	14	1,790 34	479 50	111 27	138 66	729 43				1,060 91
..do ...	4	511 53	137 00	31 80	39 61	208 41				303 12
..do ...	1	127 88	34 25	7 95	9 91	52 11				75 77
..do ...	2	255 76	68 50	15 90	19 81	104 21				151 55
..do ...	3	383 64	102 75	23 84	29 72	156 31				227 33
..do ...	7	895 17	267 75	55 63	69 33	392 71				502 46
..do ...	1	127 88	44 25	7 95	9 91	62 11				65 77
..do ...	7	895 17	311 55	55 63	69 33	436 51				458 66
..do ...	4	511 53	137 00	31 80	39 61	208 41				303 12
..do ...	2	255 76	71 50	15 90	19 81	107 21				148 55
..do ...	1	127 88	46 41	7 95	9 91	64 27				63 61
..do ...	4	511 53	142 60	31 80	39 61	214 01				297 52
..do ...	30	3,836 43	1,107 50	238 43	297 12	1,643 05				2,193 38
..do ...	4	511 53	152 00	31 80	39 61	223 41				288 12
..do ...	19	2,429 74	723 95	151 00	188 17	1,063 12				1,366 62
..do ...	12	1,534 57	438 00	95 37	118 84	652 21				882 36
..do ...	6	767 29	213 75	47 69	59 43	320 87				446 42
..do ...	11	1,406 70	419 75	87 42	108 95	616 12				790 58
..do ...	22	2,813 39	766 10	174 85	217 89	1,158 84				1,654 55
..do ...	8	1,023 05	274 00	63 58	79 23	416 81				606 24
..do ...	3	383 64	165 75	23 84	29 72	219 31				164 33
..do ...	6	767 29	245 90	47 69	59 43	353 02				414 27
..do ...	24	3,069 15	899 40	190 75	237 70	1,327 85				1,741 30
..do ...	2	255 76	68 50	15 90	19 81	104 21				151 55
..do ...	4	511 53	137 00	31 80	39 61	208 41				303 12
..do ...	11	1,406 70	376 75	87 42	108 95	573 12				833 58

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I.—*Statement of captured cotton collected in*

From whom and where collected.	By whom collected.	By whom shipped.	When received.	No. of bales received.	No. of bales to New York.	Date of shipment.	Vessel.
			1865.			1866.	
		Leslie Ellis	Dec. 22	144	144	Jan. 5	Aquidneck
		do	Dec. 21	38	38	do	do
		do	do	1	1	do	do
A. S. Nelson, Greene Co., Ala	R. K. Sterling	S. B. Eaton	Sept. 26	57		Sold at Mobile.	
R. Levy, Greene Co., Ala	do			11		do	
E. L. Kimbrough, Greene Co., Ala	do			32		do	
Samuel Cowan, Greene Co., Ala		S. B. Eaton		62		do	
J. T. Walton, Marengo Co., Ala		Leslie Ellis	Nov. 3	45		do	
W. P. Gould, Greene Co., Ala		S. B. Eaton	Dec. 21	2		do	
T. Colvin, administrator, Greene Co., Ala.		do	do	2		do	
Estate B. Cox, Greene Co., Ala		do	do	7		do	
Estate W. Jones, Sumter Co., Ala		do	do	13		do	
Unknown, Tuscaloosa Co., Ala		do	do	4		do	
Unknown, Sumter Co., Ala		do	do	17		do	
Do		do	do	23		do	
Do		do	do	19		do	
Do		do	do	14		do	
Do		do	do	39		do	
				50		do	
				45		do	
Total of first agency							

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the first special agency, &c.—Continued.

Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Mobile.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds released by the Secretary of the Treasury.			Proceeds in the Treasury.
							Date of release.	To whom released.	Amount released.	
1866.							1866.			
Mar. 15	144	$18, 414 88	$2,160 00	$1,144 48	$1, 426 17	$4, 730 65	.....	.....	.....	$13, 684 23
..do ...	38	4, 859 48	573 80	302 01	376 35	1, 252 16	.....	.....	.....	3, 607 32
..do ...	1	127 88	31 35	7 95	9 91	49 21	.....	.....	.....	78 67
1865.										
Oct. 9	57	8, 704 33	907 03	.....	348 17	1, 255 20	Dec. 10	Benj. Jolly	$4, 914 99	2, 534 14
..do ...	11	1, 679 78	175 25	.....	67 19	242 44	.....	.....	.....	1, 437 34
..do ...	32	4, 886 64	501 00	.....	195 47	696 47	Dec. 10	Benj. Jolly	2, 764 64	1, 425 53
.....	62	9, 607 24	860 42	.....	384 29	1, 244 71	..do ...	....do	5, 517 40	2, 845 13
Dec. 2	45	7, 813 83	649 50	.....	312 55	962 05	..do ...	....do	4, 521 07	2, 330 71
Dec. 30	2	340 56	69 00	.....	13 62	82 62	.....	.....	.....	257 94
..do ...	2	330 88	69 00	.....	13 24	82 24	.....	.....	.....	248 64
..do ...	7	1, 242 56	241 50	.....	49 70	291 20	.....	.....	.....	951 36
..do ...	13	2, 386 56	458 70	.....	95 46	554 16	.....	.....	.....	1, 832 40
..do ...	4	842 16	138 00	.....	33 69	171 69	.....	.....	.....	670 47
..do ...	17	3, 320 24	586 50	.....	132 81	719 31	.....	.....	.....	2, 600 93
..do ...	22	4, 138 64	759 00	.....	165 55	924 55	.....	.....	.....	3, 214 09
..do ...	19	3, 572 50	655 50	.....	142 90	798 40	.....	.....	.....	2, 774 10
..do ...	14	2, 632 38	483 00	.....	105 30	588 30	.....	.....	.....	2, 044 08
.....	39	5, 259 60	592 64	.....	210 38	803 02	.....	.....	.....	4, 456 58
.....	50	8, 813 60	2, 183 34	.....	352 54	2, 535 88	Dec. 20	John Duncan.	1, 481 26	4, 796 46
1866.										
Feb. 22	45	2, 241 64	585 34	.....	89 66	675 00	.....	.....	.....	1, 566 64
.....	5, 697	750, 702 68	.....	.....	.....	209, 338 58	.....	.....	87, 511 24	453, 852 86

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II.—*Statement of captured cotton collected in the second special agency subsequent to June 1, forwarded to and sold by Simeon Draper,*

From whom collected.	Where collected.	By whom collected.	By whom shipped.	When received.	Number of bales— Received.	Number of bales— To contractor.
				1865.		
W.G. Springfield	Bossier Parish, La	Weaver & Hovey, contractors.	George L. Little, assistant special ag't, Vicksburgh, Miss.	July 29	39	
David Platt	do	do	do	July 29	18	
Abel Skannel	do	do	do	July 29	50	
R. Hodge's estate	do	do	do	July 29	60	
J. B. Sugg's estate	do	do	do	July 29	36	165
T. W. Bledsoe	do	do	do	July 29	24	
J. L. Hodges	do	do	do	July 29	15	
J. J. Bryan	do	do	do	July 29	64	
Jasper Gibbs	Bienville Parish, La	do	do	July 29	94	
J. R. McClintock		do	do	July 29	50	
		do	do	July 29	15	
[illegible]	Carroll County, Miss.	A. McFarland	do	July 31	33	
[illegible]	do	do	do	Sept. 1	90	
	Yazoo County, Miss	J. D. Weatherwax	do		139	
J. Wilburn	Carroll County, Miss.		do		22	
	Clark County, Ark	George T. Crump, contractor.	W. M. Fishback, assistant special ag't, Little Rock, Ark.	Aug. 28	107	28
	do	do	do	Aug. 30	21	6
	do	do	do	Sept. 4	15	4
	do	do	do	Sept. 11	30	8
	Ouachita Co., Ark	J. H. Willett	do	Sept. 26	20	
	do	do	do	Sept. 26	5	
	Hempstead Co., Ark.	J. M. Hutchins	do	Sept. 12	1	
			do	Oct. 27	2	
	Hempstead Co., Ark.	J. M. Hutchins	do	Sept. 12	19	
	Ouachita Co., Ark	J. H. Willett	do	Sept. 20	18	
			do	Oct. 10	19	
			do	Oct. 11	67	
			do	Oct. 16	28	
			do	Oct. 27	30	
			do	Nov. 2	35	
			do	Nov. 13	22	
	Mississippi		John Dietrich	Nov. 15	6	
Estate of Samuel Haskins.	Holmes County, Miss	John F. Bates	W. R. Hackley		6	
	Grenada Co., Miss	—— Brown	L. E. James		10	7
	do	do	do		17	

* Sold December

1865, *under W. W. Orme and D. G. Barnitz, supervising special agents, Memphis, Tenn., and United States cotton-agent at New York.*

No. of bales— Sold at Memphis and Vicksburgh.	Burned on Tycoon, insured.	To New York.	Date of shipment.	Vessel.	Number of bales sold.	Gross proceeds.	Expenses to and at Memphis.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds in the Treasury.
			1865.			$4,576 44	$750 12	$362 32	$251 00	$1,363 44	$3,213 00
						2,112 20	346 21	167 23	115 85	629 29	1,482 91
						5,867 23	961 69	464 52	321 79	1,748 00	4,119 23
						7,040 67	1,154 03	557 42	386 15	2,097 60	4,943 07
....	....	360	Sept. 13	.....	360	4,224 40	692 42	334 45	231 68	1,258 55	2,965 85
						2,816 26	461 61	222 97	154 45	839 03	1,977 23
						1,760 17	288 51	139 35	96 54	524 40	1,235 77
						7,510 05	1,230 97	594 58	411 88	2,237 43	5,272 62
						11,030 38	1,807 99	873 29	604 96	3,286 24	7,744 14
						5,867 23	961 69	464 52	321 79	1,748 00	4,119 23
						1,760 17	288 51	139 35	96 54	524 40	1,235 77
.....	.....	33	Aug. 3	.....	33	4,871 23	205 00	448 15	322 18	975 33	3,895 90
.....	.....	90	Sept. 13	.....	90	13,641 30	1,273 50	1,080 00	748 15	3,101 65	10,539 65
.....	.....	139	Sept. 6	.....	139	21,068 23	1,966 85	1,668 00	1,155 48	4,790 33	16,277 90
22	.....	.....	.....	.....	22	3,116 00	.....	.....	.....	.....	3,116 00
.....	79	.....	.....	.....	79	11,642 63	2,658 86	.....	.....	2,658 86	8,983 77
.....	15	.....	.....	.....	15	2,210 63	505 46	.....	.....	505 46	1,705 17
.....	11	.....	.....	.....	11	1,621 13	370 23	.....	.....	370 23	1,250 90
.....	22	.....	.....	.....	22	3,242 25	740 43	.....	.....	740 43	2,501 82
.....	20	.....	.....	.....	20	2,947 50	680 13	.....	.....	680 13	2,267 37
5	.....	.....	.....	.....	5	175 42	29 66	.....	.....	29 66	145 76
1	.....	.....	.....	.....	1	35 09	5 93	.....	.....	5 93	29 16
2	.....	.....	.....	.....	2	70 17	34 52	.....	.....	34 52	35 65
.....	.....	19	Oct. 26	.....	19	2,879 83	98 10	228 00	274 54	600 64	2,279 19
.....	.....	18	.....	.....	18	2,728 26	354 43	216 00	258 75	829 18	1,899 08
.....	.....	19	.....	.....	19	2,879 83	595 32	228 00	273 15	1,096 47	1,783 36
.....	.....	67	Oct. 26	.....	67	10,155 19	2,259 01	804 60	763 17	3,826 18	6,329 01
.....	.....	28	.....	.....	28	4,243 96	922 19	336 00	502 52	1,760 71	2,483 25
.....	.....	30	Nov. 9	.....	30	4,547 00	1,304 36	360 00	434 07	2,098 43	2,448 57
.....	.....	35	Nov. 10	.....	35	5,304 95	1,523 74	348 00	503 14	2,374 88	2,930 07
			1866.								
.....	.....	22	Jan. 25	Marmion	22	1,875 76	795 27	201 91	208 09	1,205 37	670 49
.....	.....	6	Jan. 25	....do	6	511 56	216 88	55 06	56 75	328 69	182 87
.....	.....	6	Jan. 25	....do	6	511 56	216 88	55 06	56 75	328 69	182 87
.....	.....	20	Mar. 26	.....	20	2,989 05	371 52	240 00	248 60	860 12	2,128 93

5 and 28, 1865.

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II.—*Statement of captured cotton collected in the*

From whom collected.	Where collected.	By whom collected.	By whom shipped.	No. of bales received.	No. of bales lost at New Orleans.	No. bales to Cincinnati.	No. of bales to New York.	Date of shipment.	Vessel.
								1865.	
	Port Gibson, Miss.	A. A. Dewey	C. A. Montross, assistant special agent.	19					
					....	62	....	July 17	
	....do	....do	....do	43					
	Holmes County, Miss.	C. W. Beach	....do	16	....	16	....	July 17	
Mrs. E. Miller	Port Gibson, Miss.	A. A. Dewey	....do	72	....	72	....	July 17	
G. F. Granberry	Raymond, Hinds County, Miss.	B. F. Jones	....do	6	....	6	....	July 17	
	Big Black River, Hinds County, Miss.	A. E. McClelland	....do	39	....	39	....		
	Jackson, Hinds County, Miss.	A. A. Dewey	....do	82	....	82	....		
	Yazoo City, Miss	M. N. Twiss	....do	24	....	24	....		
	....do	....do	....do	19	....	19	....		
	....do	....do	....do	29	....	29	....		
		J. D. Weatherwax	....do	51	....	51	....		
G. F. Granberry	Vicksburgh, Miss.		....do	6	....	6	....		
	Kemper and Lauderdale Counties, Miss.	A. A. Dewey	....do	183	....	..	183	Oct. 6	
	....do	....do	....do	217	....	..	217	Oct. 17	
	....do	....do	....do	25	....	..	25	Oct. 17	
	....do	....do	....do	24	....	..	24	Oct. 17	
	....do	....do	....do	51	....	51	....		
O. B. Luckett	Madison County, Miss.	....do	....do	10					
	Jackson, Miss	....do	....do	798					
H. P. Holden	Rankin County, Miss.	....do	....do	12	391	..	609	Oct. 20	Merrimac.
							710	Nov. 9	
	Greene County, Ala.	W. E. Johnson	....do	209					
	Meridian, Miss.	John Dietrich	....do	681					
J. E. Moncure	Hinds County, Miss.	T. B. Wilson	....do	58	....	..	58	Nov. 9	
	Madison County, Miss.	A. F. Crane	....do	50	....	..	....	Sept. 9	Galena

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second special agency, &c.—Continued.

Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Vicksburgh.	Freight to New York.	Expenses to and at Cincinnati and New York, including commissions to agents.	Total expenses.	Proceeds released by the Secretary of the Treasury.			Proceeds in the Treasury.
							Date of release.	To whom released.	Am't released.	
1865.							1866.			
.....	62	$9,497 16	.....	.....	$2,076 40	$2,076 40	.....	.....	.....	$7,420 76
.....	16	2,450 88	.....	.....	535 85	535 85	Nov. 28	Dwight & Gill	$1,223 37	691 66
.....	72	11,028 96	.....	.....	2,470 40	2,470 40	.....	Mrs. E. Miller	8,558 56	.....
.....	6	919 08	.....	.....	200 93	200 93	.....	.....	.....	718 15
.....	39	5,294 67	.....	.....	748 92	748 92	.....	.....	.....	4,545 75
.....	82	11,417 38	.....	.....	1,798 90	1,798 90	.....	.....	.....	9,618 48
.....	24	2,652 30	.....	.....	484 48	484 48	Nov. 28	Dwight & Gill	1,835 05	332 77
.....	19	2,191 42	.....	.....	385 35	385 35	Nov. 28	....do	1,452 75	353 32
.....	29	3,528 00	.....	.....	589 85	589 85	Nov. 28	....do	2,217 35	720 80
.....	51	6,823 07	.....	.....	1,132 01	1,132 01	Nov. 28	....do	3,899 50	1,791 56
.....	6	838 05	.....	.....	68 72	68 72	.....	.....	.....	769 33
Dec. 15	183	27,737 31	$3,521 72	$1,384 80	1,521 25	6,427 77	.....	.....	.....	21,309 54
Dec. 15	217	32,890 69	4,176 02	1,642 08	1,803 88	7,621 98	.....	.....	.....	25,268 71
Dec. 15	25	3,789 25	481 11	189 18	207 82	878 11	.....	.....	.....	2,911 14
Dec. 15	24	3,637 68	461 66	181 61	199 50	842 97	.....	.....	.....	2,794 71
.....	31	3,849 97	.....	.....	1,042 45	1,042 45	.....	.....	.....	2,807 52
1866.										
May 10	609	30,609 98	8,619 60	21,932 00	4,946 13	35,497 13	Nov. 28	Dwight & Gill	30,795 65	43,340 36
Jan. 9	710	107,614 70	6,119 45	25,570 00	3,902 09	37,591 54				
Jan. 9	58	8,791 06	916 89	734 00	482 15	2,132 95	.....	.....	.....	6,638 11
1865. Nov. 25	50	7,463 92	1,865 87	161 43	466 49	2,493 79	.....	.....	.....	4,970 13

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II.—*Statement of captured cotton collected in the second special agency, &c.*—Continued.

From whom collected.	Where collected.	By whom collected.	Number of bales.
Ben. Linsey	Winston County, Miss	M. S. Jay	54
J. G. Alexander	do	do	6
James R. Ashford	do	do	12
W. S. Balling	do	do	5
C. P. Carlisle	do	do	9
C. C. Clark	do	do	9
E. Cockburn	do	do	8
G. W. Carlisle	do	do	4
G. R. Coleman	do	do	11
Do	do	do	16
S. B. Crow	do	do	3
J. C. Dass	do	do	4
Do	do	do	10
M. C. Gage	do	do	6
B. H. Harris	do	do	13
Thomas T. Holmes	do	do	15
Jesse Morgan	do	do	9
Thomas P. Miller	do	do	20
Hug. McQueen	do	do	20
John S. Miller	do	do	19
J. W. Patty	do	do	6
D. M. Perkins	do	do	14
Sarah Patterson	do	do	15
W. H. Taber	do	do	5
James Tate	do	do	4
W. H Triplett	do	do	10
J. B. Triplett	do	do	3
L. W. Worthey	do	do	6
A. Miller	do	do	12
John Holman	do	do	40
William Harrington	do	do	32
W. H. Eichberg	do	do	16
J. W. Burrage	do	do	62
Isaac Suttle	do	do	6
F. M. Nickles	Kemper County, Miss	do	22
John Suttles	Winston County, Miss	do	6
—— McCallom	do	do	8
Hanna & Johnson	do	do	8
John Riddle	Kemper County, Miss	do	22
William Cook	Winston County, Miss	do	13
Mrs. Perrins	do	do	12
Mrs. Karns	do	do	18
E. A. Atkinson	Chickasaw County, Miss	do	6
M. Bennett	do	do	14
J. Brownlee	do	do	15
Brenker & Baber	do	do	6
B. and F. E. Bugg	do	do	22
James M. Brownlee	do	do	15
R. W. Chandler	do	do	7
J. L. Cain	do	do	17
Ben. Clark	do	do	22
Est. P. H. Colman	do	do	29
S. A. Deans	do	do	3
Davis & Jamison	do	do	5
G. W. Grimes	do	do	35
William Gass	do	do	5
David Huffman	do	do	3
J. A. Jones	do	do	34
B. Kilgore	do	do	2
Levi Lanson	do	do	7
J. Y. Leatherwood	do	do	25
Alex. Miller	do	do	6
R. J. Morley	do	do	10
Charles McLandon	do	do	33
William Naugle	do	do	1
J. W. Powell	do	do	15
W. R. Pasey	do	do	16
W. S. Quinn	do	do	32
A. G. Quinn	do	do	20
J. J. Stockard	do	do	18
Joel Smith	do	do	40
R. H. Shotwell	do	do	9
M. C. Shell & Co	do	do	25
J. M. Thompson	do	do	3
E. Vandoran	do	do	2
S. S. Webb & Co	do	do	[illegible]
W. M. Gozart	do	do	[illegible]
J. M. Collins	do	do	[illegible]
L. D. Hallman	do	do	[illegible]
J. W. Johnson	do	do	[illegible]
William Bramlett	do	do	[illegible]
Hodges	do	do	[illegible]

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II.—*Statement of captured cotton collected in the second special agency, &c.*—Continued.

From whom collected.	Where collected.	By whom collected.	Number of bales.
G. P. Boskin	Chickasaw County, Miss	M. S. Jay	23
J. A. Orr	do	do	7
J. H. Smith	do	do	11
Colonel Bacon	do	do	30
Est. J. C. Carter	do	do	41
Isaac Polk	do	do	36
William Strong	do	do	36
T. L. Rodgers	do	do	21
D. Gardner	do	do	16
J. Wallace	do	do	13
E. Esell	do	do	20
J. S. Renfroe	do	do	12
William Gates	do	do	18
R. M. Gunn	do	do	11
William Sikes	do	do	17
Hellman, Thompson & Strong	do	do	82
Rev. Mr. Miller	do	do	1
— Abernathy	do	do	6
Major Root	do	do	2
	do	do	7

Number of bales collected by M. S. Jay as shown above.	Number of bales to contractor.	Number of bales burned at Memphis October 1, 1865.	Number of bales sold at Memphis.	Number of bales to New York.	Date of shipment.	Date of sale.	Number of bales sold.
1,810	516	790		300	Sept. 16, 1865		
				200	Oct. 2, 1865	Dec. 28, 1865	500
			4				4
1,810	516	790	4	500			504

Gross proceeds.	Freight to and charges at Memphis.	Freight and expenses to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Released to Sheppard, Parkman & Co., December 12, 1866.	Net proceeds.
$75,787 00	$7,075 00	$6,000 00	$4,156 40	$17,231 40	$10,528 00	$48,129 99
166 92	62 53			62 53		
75,951 92	7,137 53	6,000 00	4,156 40	17,293 93	10,528 00	48,129 99

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II.—*Statement of captured cotton collected in the second special agency, &c.*—Continued.

From whom collected.	Number of bales.
MONROE COUNTY.	
E. S. Andrews	20
Do	3
Estate D. Burnett	31
J. G. Broils	14
H. Bibb	77
Baskerville & Whitfield	6
B. B. Barker	19
W. M. Cozart	173
J. M. Collins	14
Do	66
W. R. Cunningham	59
D. Clark	7
Clark & Smith	97
Do	29
W. G. Evans	48
W. B. Evans	81
Do	4
T. R. Evans	18
J. G. English	130
W. D. Forston	14
M. W. Fort	1
S. J. Gholson	67
L. J. Galloway, administrator estate of R. G. Blanchard	37
J. D. Gay	12
G. W. Gathins	95
R. S. Gladney	6
J. H. Haughton	197
J. P. Hampton	71
Cozart & Mason	131
R. Davis	56
J. P. Hampton	1
B. L. Hatch	93
J. T. Jemison	49
J. Kennedy	4
S. Keaton	2
M. E. Lenoir, administratrix	45
Do	46
C. Love	147
B. Y. McNairy	161
R. A. Minnis	8
J. Moore	240
J. C. McNairy	30
P. J. McNairy	60
U. McAllister	40
W. A. McMiller	98
J. E. Murrell S. S. Ewing	238
J. E. Murrell, McDuffie Green	98
J. E. Murrell, E. Whitfield	33
J. E. Murrell, C. McClendon	12
J. E. Murrell, D. Willis	3
J. E. Murrell, M. R. Roberts' estate	61
J. E. Murrell, W. W. Troupe	59
J. E. Murrell, A. M. Alexander	28
K. Prewett	60
A. G. Prewett	1
Rt. Rev. Payne	113
J. G. Payne	41
J. G. Randall	256
J. V. Rodgers, administrator estate F. M. Rodgers	89
M. Rodgers	32
G. A. Sykes	66
W. A. Sykes	194
S. B. Sykes	119
M. H. Sanders	47
J. M. Smith	78
B. Strong	38
M. L. Strong	39
E. Strong	104
W. E. Trotter	169
Do W. H. Moores	33
W. E. Trotter	3
Do W. H. McMath	15
B. M. Terrell	28
W. Taylor	51
R. D. Whitfield	122
R. W. Watson	160
Do	3
R. W. Watson, administrator estate G. Burnett	78
Do	4
A. Watson	160
Do	4
J. N. Walton	21
N. O. Ware	122
N. Whitfield	134
N. J. Whitfield	151
W. L. Walton	51
P. H. White	55
A. Ward	161
M. Waring W. B. Hogan	4
S. W. Young	55
Captured	10
J. H. Anderson	72
J. W. Breed	19
B. R. Howard	38
G. A. Sykes	40
J. E. Murrell	19
Total	6,185
OKTIBBEHA COUNTY.	
W. S. Barry	1
Baskerville & Whitfield, G. R. Stallins	4
Baskerville & Whitfield, J. G. Carroll	4
Baskerville & Whitfield, E. J. Cannon	61
Baskerville & Whitfield, J. and J. Randel	3
Baskerville & Whitfield, J. T. Hollingshead	14
Baskerville & Whitfield, J. G. Allston	17
Baskerville & Whitfield, M. L. Connell	8
Baskerville & Whitfield, J. N. Cannon	5
M. M. Bell	33
J. F. Broils	14
J. Bell	24
Baskerville & Whitfield J. A. Barron	9
J. R. Collier	19
K. Chandler	30
M. L. Connell	30
W. H. Carpenter	5
D. Cottrell	12
B. L. Cromwell	24
L. A. Davis	35
J. W. Davis	24
J. W. Erwin	48
F. H. Erwin, administrator estate W. E. Erwin	32
L. A. Fort	12
J Green	30
R. M. Garvin	32
W. H. Glenn	37
J. R. Ham	13
A. J. Holbrook	45
P. P. Holbert	21
C. R. Jordan	32
J. F. Jack	43
R. E. Joiner	30
R. A. Lampkin	13
J. McKinney	8
J. McKell	15
R. G. Martin	17
C. R. Montgomery	6
A. McMillen	30
J. J. Mhoon	126
J. J. Macpherson	7
J. T. Mickle	35
J. T. Mickle, R. A. Cooper	16
J. T. Mickle, B. Valentine	20
J. T. Mickle, H. Bell	8
J. T. Mickle, J. W. Bell	16

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II.—*Statement of captured cotton collected in the second special agency, &c.*—Continued.

From whom collected.	Number of bales.
OKTIBBEHA COUNTY—Continued.	
T. Mickle, T. S. Cromwell	180
E. Murrell, J. A. Peebles	10
E. Murrell, J. U. Perkins	21
E. Murrell, Z. Smith	8
E. Murrell, J. T. Thompson	6
E. Murrell, T. Tolson	13
E. Murrell, A. Holbert	21
W. Perkins	70
Do	2
eters & Lanier	93
L. Parham	6
T. Randolph	51
E. Reeves	21
W. Reeves, administrator estate B. J. Reeves	20
H. Rice	52
Shirley	31
B. Stablins	33
M. Schromport	9
M. Simms	4
S. Tipton	15
bb & Tolson; L. Graves	30
S. Webb; V. Calvert	20
Waring; V. P. Pullen	6
Waring; Henry	17
V. S. Webb; ell's gin-house	27
L. Williams; T. Sessoms; J. Walker; tate of Rice	88
Watt; S. Williams; H.	67
	46
	12
	8
Total	2,168
LOWNDES COUNTY.	
Allison, executor; r. Carson; r. W. Burt; Waverly warehouse	148
r. W. Burt	86
	44
askerville & Whitfield, R. E. Moore	67
askerville & Whitfield, C. F. Sherrod	47
askerville & Whitfield, R. Barry	115
askerville & Whitfield, E. J. Connor	114
askerville & Whitfield, J. J. Harrison	114
askerville & Whitfield, M. A. Marston	3
askerville & Whitfield, C. McLaurin	119
askerville & Whitfield, stored at Gaston's	41
askerville & Whitfield, E. Sanderson	21
askerville & Whitfield, A. J. Cox	85
askerville & Whitfield, C. Hardy	62
askerville & Whitfield, J. Browning	13
askerville & Whitfield, S. C. Pool	35
askerville & Whitfield, W. Kilpatrick	22
askerville & Whitfield, J. Sykes	70
askerville & Whitfield, H. E. Hardy	24
askerville & Whitfield, J. Herron	14
askerville & Whitfield, C. Sturdivant	16
askerville & Whitfield, D. Cook	4
askerville & Whitfield, H. Gupton	3
askerville & Whitfield, L. H. Woods	6
askerville & Whitfield, E. B. Witherspoon	5
askerville & Whitfield, G. W. Reeves	15
askerville & Whitfield, L. C. Irions	10
askerville & Whitfield, L. Davis	5
askerville & Whitfield, J. C. Cox	45
askerville & Whitfield, J. Holbert	20
askerville & Whitfield, D. Cook	2
askerville & Whitfield, A. S. Lide	30

From whom collected.	Number of bales.
P. Butler	143
S. F. Butler	15
T. Bell	50
T. C. Billups	334
T. G. Blewett, jr	129
J. O. Banks	357
J. T. Billups	147
L. Blevins	64
A. Brooks	81
J. A. M. Brooks	1
E. B. Blythe	18
G. Barksdale	4
J. D. Bradford	128
Billups & Co	69
G. W. Bram	10
S. E. Brooks	35
P. St. G. Cocke	301
I. C. Cox	148
W. Conner	29
W. E. Chandler	50
Do; R. Sykes	13
G. A. Chandler; I. Herron	13
Chandler & Co; I. Harrison	58
E. P. Connell & Co	80
T. W. Cobb & Co	35
Canfield & Son	43
C. R. Crusoe	20
L. M. Cox	34
Cozart & Mason; R. E. Moore	88½
I. M. Craddock	48
J. W. Crump	17
J. A. Dailey	15
W. Davis	10
A. B. Dearing	136
E. A. Ervin	50
W. F. Edwards	20
C. S. Gilmer	16
N. I. Gilmer	84
E. H. Gregory	40
S. C. Gilmer	55
I. P. Gaines	48
W. L. C. Gerdine	78
J. W. Harris	149
J. V. Harris	173
S. H. Harris	17
A. Hamilton	38
H. Halbert	134
H. E. Hardy	91
W. D. Humphries	73
F. E. Harris	55
A. Herron	46
W. H. Hargrove	20½
A. S. Humphries	45
W. W. Humphries; W. D. Humphries	26
A. Harnsburger	17
I. A. Harwey	77
J. W. T. Hairston, agent; P. C. Hairston	62
N. E. Hairston	213
P. C. Hairston	119
P. C. Hairston, executor	100
P. C. Hairston; H. Hairston; G. Hairston; E. P. Hairston	94
G. Hairston	80½
J. F. Jack; Estate of Bell	162
W. H. Kennon	13
J. G. Lockhart	30
Estate of H. G. Leigh	24
S. Lashley	50
H. N. Lawrence	31
G. H. Lee	54
J. D. Lynch; Cochran	30
	4

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II.—*Statement of captured cotton collected in the second special agency, &c.*—Continued.

From whom collected.	Number of bales.
LOWNDES COUNTY—Continued.	
R. E. Moore	123
Miller & Hahn	64
I. Henry	
G. L. McCrary	8
A. Motley	112¼
J. T. Mickle	89
P. P. Cromwell	
I. M. Moody	12
L. Matthews	8
I. E. Murrell, D. Love	23½
I. E. Murrell, B. Matthews	114
I. E. Murrell, D. Banks	305
I. E. Murrell, I. Sykes	111
I. E. Murrell, J. H. Irby	57
I. E. Murrell, T. Bell	3
I. E. Murrell, H. Randel	30
I. E. Murrell, J. L. M. Smith	19
I. E. Murrell, I. S. Chandler	24
I. E. Murrell, I. Morton	77
I. E. Murrell, W. B. Kavanaugh	5
I. E. Murrell, D. Cook	10
I. E. Murrell, J. M. Ledbetter	53
I. E. Murrell, J. G. Thompson	58
I. E. Murrell, I. E. Murrell	8
E. P. Odmial	106
C. Perkins	25
S. P. Pool	57
W. E. Pope	17
P. Mullen	
W. E. Pope	22
R. Sykes	
J. K. Portwood	30
J. H. Pierce	8
Long's warehouse	
H. S. Potts	31½
R. Sykes	75
Waverly warehouse	
J. Schwartz	23
Townsend, Beckworth & Brownbe	
J. H. Sharp	200
E. J. Smith	99
T. B. Shields	8
I. Sykes	104
S. A. Sombs	13
T. I. & I. H. Sharp	17
E. H. Strong	41
I. Shular	45
I. Swearingen	6
G. W. Sherman	32
E. Strong	155
W. W. Tapp	93
J. F. R. Tabb	4
W. W. Whitfield	25
J. M. Witherspoon	63
I. Whitfield	107
M. Waring	40
B. Barry	
A. Wright	71
A. B. D. Walker	90
L. W. L. Walker	118
Julia Westbrook	14
G. H. Young	231
Waverly warehouse	
T. Young	46
Waverly warehouse	
Gained in repacking	11
Captured and tithe collections	60
G. H. Young	207
Amelia Hornsberger	62
Irby	15
Wooldridge	77
L. I. Smith	50
T. G. Blewett	205
.....	57
Total	10,592

From whom collected.	Number of bales.
NOXUBEE COUNTY.	
C. W. Allen	6
W. W. Allen	39
K. Anderson	21
M. C. Augustus	35
W. B. Augustus	52
J. Allison, executor estate J. D. Barnard	98
L. Ballard	34
J. B. Baldwin	93
W. G. Bankhead	134
C. Barnes	40
C. Barnett	189½
T. P. Barton	74
Do	1
M. Beasley, administratrix	66
G. P. Beirne, trustee	234
Do	2
J. M. Billups	174
Do	1
Baskerville & Whitfield	6
Henry A. Pope	
Baskerville & Whitfield	17
D. W. Stallings	
J. H. Binion	35
T. G. Blewett, jr	205
E. L. Boggess	29
W. D. Boykin	96
W. D. Boykin, administrator	35
A. H. Bush, administrator	118½
Brackett & Cade	13
M. M. Brooks	182
S. A. Brooks	96
T. N. Brookshire	25
J. A. Burch	18
A. C. Bush	7
J. D. Bush	31
F. L. Constantine	95
Constantine, Tyson & Co	59
W. W. Calmes	60
E. L. Carpenter	27
C. Y. Cosby	8
Matt. Clay	123
W. P. Conner	108
W. P. Conner, agent Pratt estate	29
W. P. Conner, agent, Nance & Tomlinson	29
L. M. Cravin	9½
W. B. Calhoun	133
V. M. Chambers	12
E. C. Clements	37½
J. R. Cockrell	4
J. B. Cole	74½
W. McD. Conner	119
W. McD. Conner	76
J. R. Cavit	
S. Conner	25
Do	21
A. Conner	49
J. W. Cotten	57½
N. C. Cotten	48
J. M. Cunningham	34½
D. A. J. Dantzler	90
Do	2
J. A. Dantzler	18
E. P. Davis	71
M. J. Davie	17
B. E. Deale	25
W. Dent	39
A. Douglas	62
E. A. Dowling	33
N. Drake	12
J. N. Davis	19½
Doctor Kennard	
C. T. Dupree	74½
E. Dupree	86
D. Dupree	91
W. D. Dupree	33½
M. A. Dixon	30
J. R. Evans	30

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II.—*Statement of captured cotton collected in the second special agency, &c.*—Continued.

From whom collected.	Number of bales.
NOXUBEE COUNTY.—Continued.	
J. R. Edmonds	27
J. L. Edmonds	58
J. Eckford	36½
O. C. Eiland	7
A. E. Fant	10
J. C. Fant	23
H. W Foote	34
E. B. Fort	113
R. S. C. Foster	40½
L. J. H. Foster	49
J. Franklin	15
E. Ferris	17
A. Greer	12
T. G. Gathright	46
Garner, Thomas & Robinson	26
N. M. Gooch	182
W. W. Goodwin	105½
J. B. Gresham	128
A. Gavin	10
J. E. Gavin	28
G. W. Gavin	30
Hamilton, Young & Bush, M. Clay	142
Hamilton, Young & Bush, E. Dupree	12½
Hamilton, Young & Bush, B. Joy & W. H. Mephis	273
Hamilton, Young & Bush, W. W. Lea	29
Hamilton, Young & Bush, J. L. Dantzler	10
J. Harland	71
N. H. Harrison	192
J. W. Hearon	26½
R. B. Holman	64
L. Howard	25
W. Hopkins, sr	117
J. J. Hunter	3
H. M. Hunter	40
J. L. Hunter	56
R. K. Hinton	5
Hurst & Tatum	10
J. Holbrook	14
G. H. Harris	31
J. T. Harrison	108
J. A. Heard	14
E. R. Hopkins	20
M. M. Higgins	30
J. B. Hudson	35
R. J. Hudson	21
G. L. Haynes	42
B. Haynes	5
J. B. Howlett	31
E. J. Jordan	28
E. J. Jordan & M. Hyde	20
A. Jeffries	96
A. Jeffries, administrator estate J. M. Tate	282
E. W. Johnston, executor	92
J. Joiner	90
J. Koger	25
G. W. Keonn	12
W. A. Kincaid	22
J. J. Kirksey	43
T. J. Koger	2
S. M. Lowery	141
Sayles & Campbell	89
J. R. Long	37
W. D. Longstreet	6
L. Lloyd	30
J. T. Lowery	64
M. R. Love	23
W. E. McCarley	51
D. McIntosh	46
S. B. Malone	154
M. Mahorned	25½
J. Murray	40
W. A. May	48½
R. Mennees	29
L. B. McDavid	34
C. W. Moore	45
C. W. Moore, administrator	112
T. J. Moore	87
G. D. Moore	70
R. E Moore	92
D. W. Moorer	18
J. R. Morgan	22
J. E. Murrell, J. R. Clayton	60
J. E. Murrell, A. Farmer	22
J. E. Murrell, R. K. Henton	4
J. E. Murrell, T. A. Moore	102
J. E. Murrell, G. D. Moore	40
J. T. Norris	2
Nance & Tomlinson	16
M. Nelson	80
F. G. Nichols	8
J. Oliver	36
Z. Oneal	3
J. W. Parks	27
J. H. Pierce	28½
H. T. Pendleton	18
J. Patton	222½
Do	3
Henry A. Pope	50
W. C. Ross	25
W. C. Ross, administrator estate Terrill	72½
J. P. Stovall	47
Do	1½
C. F. Sherrod	153
T. H. Stewart	6½
C. Sykes	88
A. H. Sanders	55
T. M. Sargent	25
S. Shaw	83
S. Shaw, Prewett	1
R. Sherred	44
J. J. S. Smith	21
L. W. Smith	260
W. H. Smith	44
W. W. Smith	10
R. R. Spann	80
F. G. Spann	48
M. L. Stencil	57
J. A. Stewart	65
R. S. Shaw	16
R. W. Spann	2
J. H. Simmons	8
W. V. Stewart	50
R. M. Thomas	45
M. J. Tate	35
C. C. Tate	60
G. N. Tharpe	30
S. Thompson	12
F. K. Thompson	30
B. Thompson	2
F. A. Taylor	14
R. L. Taylor	28
M. J. Ware	11
T. W. C. Wingate	49
L. W. Walker, ar	37
R. O. Weir	23
J. Welch	9½
W. F. White	20
J. D. Wilburn	110
W. B. Wilburn	71
Do	1
T. B. Williams	7
W. C. and W. L. Williams	31
J. S. Walker & Co	31
R. S. Wells	26
W. Winfrey	32½
Do	1
M. Waring, estate R. F. Irby	93
J. M. Wooten	28
W. S. Wilbanks	22
R. E. V. Yates	20
A. E. J. Yates	3
Stored at Brooksville depot	78
Stored at Macon depot	92
Captured and brought to Shuquwalak	88
Received from McClelland	32
Gained in repacking	27
Captured and brought to Macon	25
Total	11,665

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II.—*Statement of captured cotton collected in*

Name of county.	Number of bales collected.	Number of bales to contractors.	Number of bales remaining.	Number of bales burned at Columbus, Miss., seized by military, and not recovered, &c.	Number of bales sold and used to pay expenses.	Number of bales released to M. and O. Railroad Company.	Number of bales to Memphis.	Number of bales to Mobile.	When received.	Number of bales released, burned, &c., at Memphis and Mobile.	Number of bales to New York.	Date of shipment.
									1865.			1865.
							1,159	.....	.....	359	500	Sept. 20
											300	Sept. 25
							44	.....	.....	3	41	Oct. 26
							300	.....	.....	.....	300	Oct. 20
							38	.....	.....	.....	38	Oct. 20
							376	.....	.....	.....	376	Oct. 25
							1,071	.....	.....	.....	1,071	Nov. 10
Monroe	6,185	1,237					236	.....	.....	123	113	Nov. 15
Lowndes	10,592	2,051					260	.....	.....	.....	260	Nov. 17
Noxubee	11,665	2,327					399	.....	.....	.....	399	Nov. 27
Oktibbeha	2,168	438					134	.....	.....	.....	134	Dec. 2
							611	.....	.....	372	239	Oct. 28
												1866.
	30,610	6,053					6	.....	.....	.....	6	Jan. 25
			24,557	5,899	497	320		263	.....	263		.....
	Names of contractors.											1865.
Monroe	W. B. Weaver							97	June 6	.....	97	July 28
Lowndes	Mason & Yates							1	June 6	.....	13	Aug. 2
Noxubee	Johnson & Williams							27	June 30	.....	27	Aug. 1
Oktibbeha	John S. Worley							45	July 9	.....	45	Aug. 3
								54	July 16	.....	54	Aug. 3
								29	July 17	.....	29	Aug. 3
								37	July 19	.....	37	Aug. 3
								94	July 23	.....	94	Aug. 3
								123	July 29	.....	123	Aug. 3
												1866.
								47	Nov. 16	.....	47	Feb. 7
												1865.
											438	Aug. 22
											100	Aug. 22
											219	Aug. 23
											527	Sept. 9
											964	Sept. 22
											566	Oct. 18
											623	Oct. 18
											631	Oct. 23
											2,000	Nov. 25
								12,381	.....	390	500	Dec. 14
											750	Dec. 14
											200	Dec. 16
											1,160	Dec. 23
											500	Dec. 27
											360	Dec. 27
											497	Dec. 29
											1,000	Dec. 30
												1866.
											500	Jan. 3
											289	Jan. 12
											227	Jan. 15
Total of second agency												

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the second special agency, &c.—Continued.

Vessel.	Date of sale.	Number of bales sold.	Gross proceeds.	Expenses to and at Memphis and Mobile.	Freight to and expenses at New York, including commissions to agents.	Total expenses.	Proceeds released to John Duncan, Shepard, Parkman, *et al.*, December, 1866.	Proceeds in the Treasury.
.....	.....	500	$75,785 00	$8,437 45	$9,321 50	$17,758 95	$6,250 00	$51,776 05
.....	.....	306	45,471 00	5,076 85	4,704 84	9,781 69	3,750 00	31,939 31
.....	.....	41	6,214 37	515 24	750 82	1,266 06	512 50	4,435 81
.....	.....	300	45,471 00	3,954 50	4,104 84	8,059 34	3,750 00	33,661 66
.....	.....	38	5,759 66	1,586 70	1,170 33	2,757 03	475 00	2,527 63
.....	.....	376	56,990 32	6,049 70	6,661 87	12,711 57	4,700 00	39,578 75
.....	.....	1,071	162,331 47	14,953 83	20,811 51	35,765 34	13,387 50	113,178 63
.....	.....	113	17,127 41	1,585 68	2,427 22	4,012 90	1,412 50	11,702 01
.....	.....	260	39,406 20	3,661 45	5,158 62	8,820 07	3,250 00	27,338 13
.....	.....	399	60,476 43	6,097 72	8,706 90	14,804 62	4,987 50	40,684 31
.....	.....	134	20,310 38	2,055 90	2,885 94	4,941 84	1,675 00	13,693 54
.....	.....	239	36,225 23	4,248 32	4,472 72	8,721 04	27,504 19	.....
Marmion	.....	6	511 56	216 88	111 81	328 69	75 00	107 87
.....	1865.	.....	.....	.....	.....	.....	.....	.....
S. Duncan	Sept. 8	97	15,082 00	3,078 60	1,083 56	4,162 16	1,212 50	9,707 34
Brookman	Oct. 20	13	2,635 35	468 00	170 76	638 76	162 50	1,834 09
Tamerlane	Sept. 22	27	4,436 38	1,262 00	301 17	1,563 17	337 50	2,535 71
....do	Sept. 22	45	7,393 96	2,115 00	501 97	2,616 97	562 50	4,214 49
....do	Sept. 22	54	8,872 76	2,538 00	602 33	3,140 33	675 00	5,057 43
....do	Sept. 22	29	4,765 00	1,363 00	323 00	1,686 00	362 50	2,716 50
....do	Sept. 22	37	6,079 48	1,737 00	412 73	2,149 73	462 50	3,467 25
....do	Sept. 22	94	15,445 17	4,399 50	1,048 55	5,448 05	1,175 00	8,822 12
S. L. Davis	Nov. 14	123	19,413 44	5,303 05	1,390 95	6,694 00	1,537 50	11,181 94
Iza	.....	47	4,016 40	652 66	715 30	1,367 96	587 50	2,060 94
	1865.							
Lilla	Oct. 4	438	96,900 00	6,739 00	7,857 85	14,596 85	5,475 00	76,828 15
Clara Brown	Nov. 3	100	17,259 25	1,544 00	1,541 97	3,085 97	1,250 00	12,923 28
W. Raleigh	Nov. 3	219	44,169 26	3,370 00	3,642 14	7,012 14	2,737 50	34,419 62
Clara Ellen	Nov. 3	527	105,018 89	8,131 00	8,385 94	16,516 94	6,587 50	81,914 45
W. E. Anderson	Nov. 3	964	164,417 21	14,875 00	12,754 03	27,629 03	12,425 00	124,363 18
J. J. Spencer	Nov. 24	506	82,779 60	7,808 00	7,022 80	14,830 80	6,325 00	61,616 80
Patapsco	Nov. 24	623	113,458 63	9,613 00	9,948 87	19,561 87	7,787 50	86,109 26
	1866.							
Minerva	Jan. 9	631	87,029 17	9,736 00	8,376 93	18,112 93	7,887 50	61,028 74
American Union	June 20	2,000	193,176 77	30,860 00	31,268 74	62,128 74	25,000 00	106,048 03
Mercedita	Mar. 2	500	75,031 50	7,715 00	8,979 95	16,694 95	6,250 00	52,086 55
Archert Reeves	June 20	750	78,755 01	11,572 00	12,613 97	24,185 97	9,375 00	45,194 04
Port au Prince	Mar. 2	200	34,388 18	3,087 00	3,758 38	6,845 38	2,500 00	25,042 80
Fleetwing	Apr. 13	1,160	157,478 49	17,898 00	20,033 40	37,931 40	14,500 00	105,047 09
Vicksburgh	Mar. 2	500	82,943 90	7,715 00	9,096 57	16,811 57	6,250 00	59,882 33
Jonas Sparks	July 20	360	38,377 06	5,555 00	5,880 58	11,435 58	4,500 00	22,441 48
Jamestown	Mar. 15	497	70,617 46	7,669 00	8,852 01	16,521 01	6,212 50	53,883 95
Merschon	Apr. 13	1,000	121,317 27	15,430 00	16,505 81	31,935 81	12,500 00	76,881 46
Gulf Stream	Mar. 2	500	80,883 58	7,715 00	9,211 94	16,926 94	6,250 00	57,706 64
Annie Lewis	May 25	289	30,757 52	4,450 00	4,537 87	8,987 87	3,612 50	18,157 15
Ann and Susan	May 25	227	14,805 00	3,504 00	3,377 85	6,881 85	2,837 50	5,085 65
.....	.....	20,240	2,881,589 90	.....	.....	705,622 47	289,576 92	1,886,390 51

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III.—*Statement of captured cotton collected in the third special agency, subsequent to June 1, 1865, under B. F. Flanders, O. N. Cutler, and O. H. Burbridge, supervising special agents, New Orleans, La., and sold at New Orleans, or forwarded to and sold by Simeon Draper, United States cotton-agent, at New York. B. F. Flanders, supervising agent.*

From whom collected.	Where collected.	By whom collected.	By whom shipped.	When received.	Number of bales received.	Number of bales sold.	Date of sale.	Where sold.	Gross proceeds.	Expenses of collection and transp'rtation.	Expenses of sale including commissions to agents.	Total expenses.	Net proceeds.
				1865.			1865.						
J. J. Pearce		G.W. Brackenridge		June 19	9	9	June 26	New Orleans.	$958 38	$135 53	$49 36	$182 89	$775 49
H. M. Hyams	Rapides Parish, La	Jesse S[illegible]		June 19	15	15	June 26	do	1,046 20	374 25	54 71	428 96	617 24
W. H. Gooch	Bayou Pierre	G.W. Brackenridge		June 19	3	3	June 26	do	309 71	30 48	15 96	46 44	263 27
T. M. Gilmer	De Soto Parish, La.				45	45		do	4,645 68	457 25	239 48	696 73	3,948 95
R. R. King		Bullock			30	30		do	3,907 66	294 13	197 43	491 56	3,416 10
L. F. Davis					3	3		do	390 77	29 41	19 74	49 15	341 62
Hypolite Hertzog					6	6		do	781 53	58 83	39 48	98 31	683 22
		J. E. Tewell		June 27	35	35	July 3	do	4,558 94	343 16	230 35	573 51	3,985 43
T. M. Gilmer	Caddo Parish, La.	G.W. Brackenridge		June 28	17	17		do	1,247 18	100 00	63 01	163 01	1,084 17
Pres Moulding	Mooringsport, La		J. H. McKee	July 5	16	16		do	1,897 36	670 65	95 75	766 40	1,130 96
	Marshall, Tex	J. L. Coates, agent	do		31	31		do	3,676 10	1,299 40	185 53	1,484 93	2,191 17
	Do	do	do		4	4	July 10	do	421 96	147 88	21 28	169 16	252 80
J. W. Dickson	PanolaCounty, Tex		do		4	4	July 10	do	421 96	147 88	21 28	169 16	252 80
J. C. Bell	Henderson, Tex		do		8	8	July 10	do	843 92	295 77	42 56	338 33	505 59
W. H. Pre	do		do		5	5	July 10	do	527 45	184 85	26 60	211 45	316 00
W. J. Hartsfield	PanolaCounty, Tex		do	July 5	9	9	July 10	do	949 41	332 74	47 88	380 62	568 79
Charles Baker	do		do		15	15	July 10	do	1,582 37	554 57	79 79	634 36	948 01
—— Anderson	do		do		8	8	July 10	do	843 92	295 77	42 56	338 33	505 59
Walter Cates	Caddo Parish, La		do		13	13	July 10	do	1,371 38	480 62	69 16	549 78	821 60
J. P. Smith	Bossier Parish, La		do		13	13	July 10	do	1,371 38	480 62	69 16	549 78	821 60
William Hill	PanolaCounty, Tex		do		1	1	July 10	do	105 49	36 97	5 32	42 29	63 20
	Marshall, Tex	J. L. Coates	do		4	4	Aug. 7	do	192 00	127 61	9 85	137 46	54 54
W. Hill	PanolaCounty, Tex		do	July 8	7	7	July 17	do	699 41	223 32	35 40	258 72	440 69
W. L. Fullilove	Caddo Parish, La		do		12	12	July 17	do	1,198 99	382 85	60 64	443 49	755 50
B. Boggers	Henderson, Tex		do		24	24	July 17	do	3,188 38	1,110 97	161 62	1,272 59	1,915 79
	Marshall, Tex	J. L. Coates	do		47	47	July 17	do	6,243 90	2,175 64	316 49	2,492 13	3,751 77
J. P. Smith	Caddo Parish, La		do		15	15	July 17	do	1,992 74	694 35	101 01	795 36	1,197 38
W. R. Gill	do		do		5	5	July 17	do	664 25	231 45	33 67	265 12	399 13
W. A. Birdsong	PanolaCounty, Tex		do	July 11	2	2	July 17	do	265 70	92 58	13 47	106 05	159 65
J. J. Myers	Spring Bank, Ark		do	July 11	109	109	Aug. 7	do	9,045 13	3,086 59	457 51	3,544 10	5,501 03
	Marshall, Tex	J. L. Coates	do		35	35	Aug. 7	do	3,727 54	1,302 58	190 08	1,492 66	2,234 88
W. L. Fullilove	Caddo Parish, La		do	July 15	10	10	Aug. 7	do	1,065 01	372 17	54 31	426 48	638 53
M. Roebell	De Soto Parish, La		do		36	36	Aug. 7	do	3,834 04	1,339 80	195 51	1,535 31	2,298 73
T. M. Gilmer	Caddo Parish, La		do		4	4	Aug. 7	do	426 00	148 87	21 72	170 59	255 41
W. L. Fullilove	do		do		10	10	Aug. 7	do	1,097 72	384 02	55 97	439 99	657 73

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Henry Fullilove	De Soto Parish, La.		do		9	9	Aug. 7	do	987 94	345 62	50 37	395 99	591 95
			do		2	2	Aug. 7	do	219 54	76 80	11 19	87 99	131 55
E. A. Watkins	Rusk County, Tex.		do	July 19	5	5	Aug. 7	do	548 86	192 01	27 98	219 99	328 87
	Shreveport, La		do		5	5	Aug. 7	do	548 86	192 01	27 98	219 99	328 87
	Henderson, Tex		do		2	2	Aug. 7	do	219 54	76 80	11 19	87 99	131 55
T. M. Gilmer	Caddo Parish, La		do		4	4	Aug. 7	do	439 00	153 61	22 38	175 99	263 10
B. Peterson	Lafayette Co., Ark		do	July 24	171	171	Aug. 7	do	12,406 94	4,356 69	633 15	4,989 84	7,417 10
J. J. Myers	Spring Bank, Ark		do		10	10	Oct. 21	do	1,472 80	78 72	79 68	158 40	1,314 40
T. M. Gilmer	Caddo Parish, La		do		5	5	Oct. 21	do	736 40	39 36	39 84	79 20	657 20
F. Dickson	Bossier Parish, La.		do	July 31	13	13	Oct. 21	do	1,914 64	102 34	103 61	205 95	1,708 60
			do		15	15	Oct. 21	do	2,209 21	118 08	119 53	237 61	1,971 60
	Jackson Parish, La	A. H. Blake	do	July 5	63	63	July 10	do	8,927 27	583 78	449 76	1,033 54	7,898 73
	Ouachita Parish, La		do	July 6	9	9	July 17	do	1,108 78	96 50	56 12	152 62	956 16
	Jackson Parish, La		do		12	12		do	1,478 37	128 66	74 83	203 49	1,274 88
	Trenton, La	A. H. Blake	do	July 22	15	15	Aug. 7	do	1,070 00	68 25	54 50	122 75	947 25
	Alexandria		do	July 11	25	25	July 17	do	2,877 60	806 76	145 68	952 44	1,925 16
	Brownsville, Tex	Gen. E. B. Brown	do	June 29	64	64	July 3	do	9,275 25	384 00	477 45	861 45	8,413 80
	Do	do	do	July 8	41	41	July 3	do	6,318 99	946 00	305 87	551 87	5,767 12

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III.—*Statement of captured cotton collected in*

From whom collected.	Where collected.	By whom collected.	When received.	No. of bales received.	No. of bales to New York.	Date of shipment.	Vessel.
			1865.			1865.	
	Brownsville, Tex	Gen. E. B. Brown	July 11	28			
	....do	....do	July 15	115			
	....do	....do	July 19	24	339	Aug. 17	American Union
	....do	....do	July 21	59			
	....do	....do	July 27	78			
	....do	....do	Aug. 5	35			
Joseph Maunsel	Monroe, La	A. H. Blake	July 19	21			
J. H. Gibson	Jefferson County, Miss.	S. Goodrell, Natchez.	July 29	12			
R. R. King		S. Gilbert	July 29	30			
	Durand's Landing, Red River.	....do	July 29	17			
	Jefferson County, Miss.	S. Goodrell	July 30	4			
		....do	Aug. 7	4	269	Aug. 29	Nellie Barrett
	Scopinis Landing, La.	J. E. Tewell	Aug. 11	29			
	Loggy Bayou	M. Goodrich	Aug. 11	55			
R. Peterson	Lafayette Co., Ark.	J. E. Tewell	Aug. 12	60			
		W. N. Meservey	Aug. 14	2			
	Castor Landing, La.	J. Meeks	Aug. 14	35			
J. F. Pargoud		W. N. Meservey	Aug. 2	81			
		....do	Aug. 2	12			
		....do	Aug. 3	26			
Clarke	Harrison Co., Tex	J. E. Tewell	Aug. 14	70			
	Jefferson, Tex	....do	Aug. 14	12			
Judge Smith	Houston, Tex	....do	Aug. 14	21			
John White	....do	....do	Aug. 14	3			
W. White	....do	....do	Aug. 14	6			
	Washington, La.	J. A. Payne	Aug. 21	21			
—— Valentine	Claiborne Co., Miss.	—— Goodrell	Aug. 21	9			
J. J. Battle		J. E. Tewell	Aug. 22	39			
C. J. Shepherd		....do	Aug. 22	19	411	Sept. 9	Andalusia
C. R. Griswold	Bossier Parish, La	....do	Aug. 22	8			
T. M. Gilmer	De Soto Parish, La.	....do	Aug. 22	2			
—— Frederick	Wood Co., Tex.	....do	Aug. 22	2			
	Grand Bayou	....do	Aug. 22	17			
R. M. Browning	Claiborne Parish, La.	T. Meeks	Aug. 22	45			
Robt. McClennan	Ouachita Parish, La.	....do	Aug. 22	3			
W. J. Hughes		S. S. Goodrell	Aug. 26	6			
W. H. Martin		....do	Aug. 26	6			
W. McGilvery		....do	Aug. 26	3			
Howell & Ethell	Rock Isl'd Landing, Red River.	J. A. Sullivan	July 31	8			
	Shreveport, La	J. A. Stevens	Aug. 5	21			
	Natchitoches, La	S. Gilbert	Aug. 7	25			
	Scopinis Landing, La.	J. E. Tewell	Aug. 11	1			
H. S. Dawson	Bienville Parish, La.		Aug. 14	15			
—— Valentine			Aug. 20	2	340	Oct. 20	Celeste Clark
Mary Hierne	Durand's Landing, La.		Aug. 20	3			
S. P. Griffin & Co	Loggy Bayou		July & Aug.	242			
B. S. Ellis	Jefferson County, Miss.	S. Goodrell	Sept. 18	22			
R. S. Patton	Claiborne County Miss.	....do	Sept. 18	1			
Micajah Johnson	Sabine, Tex	R. G. Taylor	July 24	28	28	Nov. 25	United States
A. H. Lazare			Nov. 29	45		1866.	
			1866.		65	Jan. 6	Star of the Union
			Jan. 2	20			
			Aug. 3	27	32	Feb. 10	Geo. Washington
			Nov. 29	5			
				14	14	May 19	Sheridan

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the third special agency, &c.—Continued.

Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at New Orleans.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds released by the Secretary of the Treasury. Date of release.	To whom released.	Amount released.	Proceeds in the Treasury.
1865.							1866.			
	28	$5,438 32	$332 54	$129 15	$138 59	$600 28	.....	.....	.....	$4,838 04
	115	22,335 96	1,365 77	530 45	569 22	2,465 44	Dec. 26	M. Malsch	$7,239 40	12,631 12
Oct. 13	24	4,661 42	285 03	110 70	118 78	514 51	.....	.....	.....	4,146 91
	59	11,459 32	700 71	272 16	291 93	1,264 80	.....	.....	.....	10,194 52
	78	15,149 62	926 41	359 78	386 68	1,672 27	.....	.....	.....	13,477 35
	35	6,797 90	415 67	161 44	173 24	750 35	.....	.....	.....	6,047 55
	21	3,772 37	65 10	87 75	190 51	343 36	.....	.....	.....	3,429 01
	12	2,155 64	134 85	50 14	108 86	293 85	.....	.....	.....	1,861 79
	30	5,389 11	285 85	125 36	272 15	683 36	.....	.....	.....	4,705 75
	17	3,053 83	375 95	71 03	154 22	601 20	.....	.....	.....	2,452 63
	4	718 55	37 40	16 71	36 29	90 40	.....	.....	.....	628 15
Oct. 20	4	718 55	90 77	16 71	36 29	143 77	.....	.....	.....	574 78
	29	5,209 47	728 10	121 18	263 08	1,112 36	.....	.....	.....	4,097 11
	55	9,880 03	112 60	229 83	498 94	841 37	.....	.....	.....	9,038 66
	60	10,778 22	2,354 55	250 72	544 30	3,149 57	.....	.....	.....	7,628 65
	2	359 27	23 16	8 36	18 14	49 66	.....	.....	.....	309 61
	35	6,287 29	405 44	146 25	317 51	869 20	.....	.....	.....	5,418 09
	81	16,554 44	483 26	356 07	861 01	1,700 34	.....	.....	.....	14,854 10
	12	2,452 50	71 66	52 75	127 56	251 97	.....	.....	.....	2,200 53
	26	5,313 77	52 52	114 30	276 37	443 19	.....	.....	.....	4,870 58
	70	14,306 30	1,546 27	307 71	744 08	2,598 06	.....	.....	.....	11,708 24
	12	2,452 50	265 07	52 75	127 56	445 38	.....	.....	.....	2,007 12
	30	6,131 27	662 68	131 88	318 91	1,113 47	.....	.....	.....	5,017 80
	21	4,291 90	494 68	92 31	223 23	810 22	.....	.....	.....	3,481 68
	9	1,839 38	186 28	39 56	95 67	321 51	.....	.....	.....	1,517 87
	39	7,970 65	374 38	171 45	414 56	960 39	.....	.....	.....	7,010 26
Oct. 13	19	3,883 15	182 39	83 52	201 96	467 87	.....	.....	.....	3,415 28
	8	1,635 00	76 80	35 17	85 04	197 01	.....	.....	.....	1,437 99
	2	408 75	19 19	8 79	21 26	49 24	.....	.....	.....	359 51
	2	408 75	19 19	8 79	21 26	49 24	.....	.....	.....	359 51
	17	3,474 40	50 21	74 73	180 71	305 65	.....	.....	.....	3,168 75
	45	9,196 90	1,012 88	197 82	478 34	1,689 04	April 24	R. M. Browning	7,507 86	.....
	3	613 13	25 74	13 19	31 89	70 82	.....	.....	.....	542 31
	6	1,226 26	50 05	26 38	63 78	140 21	.....	.....	.....	1,086 05
	6	1,226 26	50 05	26 38	63 78	140 21	.....	.....	.....	1,086 05
	3	613 13	25 02	13 19	31 90	70 11	.....	.....	.....	543 02
	8	1,240 91	93 00	71 34	67 86	232 20	.....	.....	.....	1,008 71
	21	3,257 38	97 29	187 26	178 14	462 69	.....	.....	.....	2,794 69
	25	3,877 84	680 50	222 93	212 05	1,115 48	.....	.....	.....	2,762 36
	1	155 11	25 10	8 92	8 48	42 50	.....	.....	.....	112 61
	15	2,326 70	535 08	133 76	127 24	796 08	.....	.....	.....	1,530 62
1866. Jan. 9	2	310 23	15 51	17 83	16 97	50 31	.....	.....	.....	259 92
	3	465 34	12 50	26 75	25 45	64 70	.....	.....	.....	400 64
	242	37,537 46	*16,781 70	2,157 95	2,052 72	20,992 37	.....	.....	.....	16,545 09
	22	3,412 50	690 68	196 18	186 61	1,073 47	.....	.....	.....	2,339 03
	1	155 11	26 60	8 92	8 48	44 00	.....	.....	.....	111 11
Jan. 9	22	3,481 19	338 50	148 52	295 23	782 25	.....	.....	.....	2,698 94
June 20	45	2,908 34	375 43	158 30	336 10	869 83	June 12	A. H. Lazare...	2,038 51	.....
	20	1,292 60	137 38	70 36	149 37	357 11	.....	.....	.....	935 49
May 10	27	2,301 72	150 44	102 28	151 88	404 60	.....	.....	.....	1,897 12
	5	426 24	45 57	18 94	28 13	92 64	.....	.....	.....	333 60
Sept. 12	14	1,187 54	.....	40 30	205 09	245 39	.....	.....	.....	942 15

* Paid by the Secretary of the Treasury, November 1, 1866, to Weaver & Hovey.

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III.—*Statement of captured cotton collected in*

From whom collected.	Where collected.	No. of bales collected.	By whom collected.	By whom shipped.	When received.	No. of bales received.	No. of bales sold at New Orleans.	No. of bales to New York.
					1865.			
W. L. Loyd	Copiah County, Miss.	2						
Henry Hennington	....do	20						
Seth Carley	....do	1						
Henry Sunnall	....do	37	T. McRae	T. McRae, agent.	Oct. 28	106	....	106
Henry Coleman	....do	9						
John Fatherell	....do	41						
W. R. Smith	....do	2						
A. P. Barry	....do	15						
S. D. Dodds	....do	19						
George W. Ellis	....do	28						
George Ellis	....do	47		Clark Wright	July 7	42	42	....
Daniel McCalip	....do	30	....do	T. McRae	July 20	17	17	....
John Oliver	....do	49		....do	July 21	9	....	9
F. M. Rembert	....do	42		....do	Oct. 28	55	....	55
Jesse Thompson	....do	87						
Dr. Thompson	....do	12						
John K. Yerger	....do	3						
J. S. Beesley	....do	32						
John W. Pierce	....do	14						
J. H. Thompson	....do	43						
J. C. Casey & Co.	....do	26						
John M. Hooker	....do	45						
George Peetz	....do	18		S. Goodrell	July 21	52	....	52
L. Connelly	Pike County, Miss.	7	....do	....do	Aug. 7	12	....	12
J. A. Brent	....do	20		T. McRae, ag't	Oct. 28	161	....	161
Estate N. B. Raiford's.	....do	34		.....	.....	2	2	....
L. M. Bridges	....do	2						
Mrs. N. Bridges	....do	2						
H. Sknosky & Bro.	Lawrence County, Miss.	44						
Storm & Brooks	....do	43	.....	S. Goodrell	June 26	42	42	....
	Franklin or Amite County, Miss.	11	.....	....do	June 26	11	11	....
		33	.....	W. A. P. Dillingham.	June 8	33	33	....
	Franklin County, Miss.	48	.....	....do	June 16	48	48	....
		72	.....	J. J. Mushaway	June 9	72	72	....
		140	.....	....do	June 9	140	140	....
		25	.....	....do	June 9	25	25	....
		20	.....	....do	June 19	20	20	....
		12	.....	....do	June 23	12	12	....
		2	.....	....do	.....	2	2	....

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he third special agency, &c.—Continued.

Date of shipment.	Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at New Orleans.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Net proceeds.
1865.		1865.							
				$270 36	$56 62	$18 51	$14 05	$89 18	$181 18
				2,703 56	566 12	185 10	140 53	891 75	1,811 81
Nov. 8	Tung Shuey	Dec. 15	106	135 18	28 31	9 26	7 03	44 60	90 58
				5,001 60	1,047 33	342 44	259 97	1,649 74	3,351 86
				1,216 61	254 75	83 30	63 23	401 28	815 33
				5,542 31	1,160 55	379 45	288 08	1,828 08	3,714 23
				270 36	56 62	18 51	14 05	89 18	181 18
				831 45	176 96	26 24	38 33	241 53	589 92
				1,053 17	224 14	33 23	48 55	305 92	747 25
.....	.....	July 10	42	1,552 04	330 31	48 97	71 54	450 82	1,101 22
				2,605 21	554 46	82 20	120 08	756 74	1,848 47
.....	.....	Aug. 7	17	1,662 90	353 91	52 47	76 65	483 03	1,179 87
Aug. 29	Nellie Barrett ...	Oct. 10	9	2,716 06	578 06	85 71	125 19	788 96	1,927 10
Nov. 8	Tung Shuey.....	Dec. 15	55	2,328 06	495 47	73 46	107 30	676 23	1,651 83
				4,822 40	1,026 33	152 17	222 27	1,400 77	3,421 63
				665 16	141 56	21 00	30 66	193 22	471 94
				359 82	68 00	19 05	18 49	105 54	254 28
				3,838 06	725 31	203 24	197 24	1,125 79	2,712 27
				1,679 15	317 32	88 92	86 30	492 54	1,186 61
				5,157 38	974 63	273 10	265 05	1,512 78	3,644 60
				3,118 42	589 31	165 13	160 26	914 70	2,203 72
				5,397 27	1,019 96	285 81	277 37	1,583 14	3,814 13
Aug. 29	Nellie Barrett ...	Oct. 20	52	2,158 91	407 98	114 32	110 95	633 25	1,525 66
Aug. 29	....do	Oct. 20	12	839 58	158 66	44 46	43 14	246 26	593 32
Nov. 8	Tung Shuey.....	Dec. 15	161	2,398 79	453 32	127 02	123 27	703 61	1,695 18
.....	.....	.....	2	4,077 94	770 64	215 94	209 57	1,196 15	2,881 79
				239 88	45 33	12 70	12 33	70 36	169 52
				239 88	45 33	12 70	12 33	70 36	169 52
				5,277 32	997 30	279 46	271 90	1,547 96	3,729 36
.....	.....	July 3	42	6,024 99	1,331 25	.....	241 00	1,572 25	4,452 74
.....	.....	July 3	11	1,577 97	348 63	.....	63 12	411 75	1,166 22
.....	.....	June 15	33	3,841 63	514 88	.....	153 67	668 55	3,173 08
.....	.....	June 29	48	6,036 87	616 45	.....	241 47	857 92	5,178 95
.....	.....	June 22	72	6,808 55	957 80	.....	272 34	1,230 14	5,578 41
.....	.....	July 6	140	12,185 61	933 91	.....	487 42	1,421 33	10,764 28
.....	.....	July 6	25	2,176 00	166 77	.....	87 04	253 81	1,922 19
.....	.....	June 26	20	1,583 62	234 85	.....	63 34	298 19	1,285 43
.....	.....	June 26	12	1,056 97	211 74	.....	43 28	254 02	802 95
.....	.....	.....	2	261 45	.....	.....	10 46	10 46	250 99

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III.—*Statement of captured cotton collected in*

From whom collected.	Where collected.	By whom collected.	By whom shipped.	When received.	No. of bales received.	No. of bales to New York.
				1865.		
S. R. Oliphant	Clark County	Thomas J. Henderson	Thomas J. Henderson		19	
Elias Brown	do	do	do		8	
W. D. Marsh	Jasper County	do	do		44	
E. E. Hand	do	do	do		4	
J. J. Shannon	do	do	do		10	
R. N. Hough	Clark County	do	do		15	
E. Barnet	do	do	do		15	
M. Barnet	do	do	do		23	
J. Turner	do	do	do		60	
T. Berden	do	do	do		13	
T. Hough	do	do	do		1½	
A. Edwards	do	do	do		3	
G. W. Seales	do	do	do		8	
R. B. D. Weems	do	do	do		1½	
Hays & Ferrill	do	do	do		16	
S. M. Tucker	Jasper County	do	do		6	
M. H. Whatley	do	do	do		6	72
M. Morgan	do	do	do		6	
E. E. Hand	do	do	do	July 31	8	216
H. Kennedy	do	do	do	Aug. 31	8	
P. Loper	do	do	do	Oct. 14	8	63
G. S. Collins	do	do	do	Nov. 16	3	
—— Fowler	do	do	do	Dec. —	3	125
R. J. Jones	do	do	do		8	
L. J. Jones	do	do	do		5	76
H. T. Jones	do	do	do		5	
C. C. Reid	do	do	do		2	
Eli McClory	Clark County	do	do		2	
Turner & Wolverton	do	do	do		3	
J. B. Warren	Wayne County	do	do		25	
T. Wolverton	Clark County	do	do		19	
T. Wolverton	do	do	do		18	
J. Everett	do	do	do		7	
W. Winslow	do	do	do		10	
J. T. Heard	do	do	do		20	
J. Smith	Jasper County	do	do		11	
W. S. Price	Clark County	do	do		6	
P. Ashby	Jasper County	do	do		9	
A. A. Herd	Clark County	do	do		59	
Ed. McCarty	do	do	do		17	
G. Nixon	Jasper County	do	do		19	
J. E. Buckley	do	do	do		17	

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the third special agency, &c.—Continued.

Date of shipment.	Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at New Orleans.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Net proceeds.
1862.		1865.							
			19	$2,612 17	$603 00	$129 89	$166 53	$899 42	$1,712 75
			8	1,099 86	253 89	54 69	70 12	378 70	721 16
			44	6,049 23	1,396 41	300 81	385 64	2,082 85	3,966 38
			4	549 93	126 95	27 36	35 06	189 37	360 56
			10	1,374 83	317 37	68 37	87 65	473 39	901 44
			15	2,062 24	475 05	102 55	131 47	710 07	1,352 17
			15	2,062 24	476 05	102 55	131 47	710 07	1,352 17
			23	3,162 10	729 94	157 24	201 58	1,088 76	2,073 34
			60	8,248 96	1,904 20	410 19	525 88	2,840 27	5,408 69
			13	1,787 27	412 58	88 87	113 94	615 39	1,171 88
			1½	206 22	47 61	10 25	13 15	71 01	135 21
			3	412 45	95 21	20 51	26 30	142 02	270 43
			8	1,099 86	253 89	54 69	70 12	378 70	721 16
			1½	206 22	47 61	10 25	13 15	71 01	135 21
			16	2,199 72	507 79	109 38	140 24	757 41	1,442 31
			6	824 90	190 42	41 02	52 59	284 03	540 87
			6	824 90	190 42	41 02	52 59	284 03	540 87
			6	824 90	190 42	41 02	52 59	284 03	540 87
			8	1,099 86	253 89	54 69	70 12	378 70	721 16
			8	1,099 86	253 89	54 69	70 12	378 70	721 16
			8	1,099 86	253 89	54 69	70 12	378 70	721 16
			3	412 45	95 21	20 51	26 30	142 02	270 43
			3	412 45	95 21	20 51	26 30	142 02	270 43
			8	1,099 86	253 89	54 69	70 12	378 70	721 16
			5	687 41	158 68	34 18	43 83	236 69	450 72
			5	687 41	158 68	34 18	43 83	236 69	450 72
			2	274 97	63 47	13 67	17 53	94 67	180 30
			2	274 97	63 47	13 67	17 53	94 67	180 30
			3	412 45	95 21	20 51	26 30	142 02	270 43
			26	3,574 55	825 15	177 73	227 88	1,230 78	2,343 77
			19	2,612 17	603 00	129 89	166 53	899 42	1,712 75
			18	2,474 69	571 26	123 06	157 76	852 08	1,622 61
			7	962 38	222 16	47 86	61 26	331 28	631 10
			10	1,374 83	317 37	68 37	87 65	473 39	901 44
			20	2,749 65	634 73	136 73	175 30	946 76	1,802 89
			11	1,512 31	349 10	75 20	96 42	520 72	991 59
			6	824 90	190 42	41 02	52 59	284 03	540 87
			9	1,237 34	285 63	61 53	78 89	426 05	811 29
			59	8,111 46	1,872 47	403 35	517 11	2,792 93	5,318 53
			17	2,337 20	539 53	116 22	148 99	804 74	1,532 46
			19	2,612 17	603 00	129 89	166 53	899 42	1,712 75
			17	2,337 20	539 53	116 22	148 99	804 74	1,532 46
Aug. 29	Nellie Barrett	Oct. 20 1866.							
Oct. 20	Celeste Clark	Jan. 9 1865.							
Nov. 8	Tung Shuey	Dec. 15 1866.							
Nov. 25 1866.	United States	Jan. 9							
Jan. 6	Star of the Union	June 20							

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III.—*Statement of captured cotton collected in*

From whom collected.	Where collected.	By whom collected.	By whom shipped.	When received.	Number of bales received.	Number of bales to contractor.	Number of bales to New York.
				1865.			
J. Gibbs	Bienville Parish, La		Weaver & Hovey, contractors.	Aug. 23	119		
J. J. Boylston	do		do	Aug. 23	32		
L. Gahagan	do		do	Aug. 23	23		
E. A. Givens	do		do	Aug. 23	47		
Estate Walker	do		do	Aug. 23	165		
E. Wilson	do		do	Aug. 23	96		
W. L. Candler	do		do	Aug. 23	54	22	62
W. W. Colbut	do		do	Aug. 23	59		
J. N. Walker	do		do	Aug. 23	17		
			do	Aug. 23	143		
F. J. Harrison	Caddo Parish, La		do	Aug. 23	66		
Isaac McKee	do		do	Aug. 23	40		
John Dickson	La Fayette County, Ark		do	Aug. 23	25		
			do	Aug. 23	24		
J. L. Vickers	Bienville Parish, La		do	Aug. 28	8	2	6
			do	Aug. 28	58	14	44
J. H. Walker	Bienville Parish, La		do	Sept. 8	35	8	27
W. C. Bradley	La Fayette County, Ark		J. E. Tewell	Aug. 23	40		40
B. Peterson	do		J. E. Tewell, special agent.	Aug. 23	6		6
	Hooker's Ferry, Tex		J. E. Tewell, Shreveport.	Aug. 23	47		47
			do	Aug. 23	6		6
M. Mobley	Natchitoches, La		J. A. Sullivan	Aug. 28	34		34
	Loggy Bayou		S. M. C	Aug. 28	1		1
	Trenton, La		J. W. Boykin	Sept. 1	2		2
Samuel Armstrong	Union Parish, La		Theo. Meeks, agent	Sept. 4	9		9
——— McDaniel	do		Theo. Meeks, Monroe	Sept. 4	4		4
			J. P. Crosby & Co	Sept. 7	6		6
	Shreveport, La		Walsh & Boisseau	Sept. 11	49	2	47
James Hart	Morehouse Parish, La		H. D. Wagnon, jr	Sept. 28	67		67

* Released to Watson

the third special agency, &c.—Continued.

Date of shipment.	Vessel.	Date of sale.	Number of bales sold.	Gross proceeds.	Expenses to and at New Orleans.	Freight to New York.	Expenses at New York including commissions to agents.	Total expenses.	Net proceeds.
				$12, 767 43	$1, 006 13	$458 53	$702 90	$2, 167 56	$10, 599 87
				3, 433 26	270 56	123 30	189 01	582 87	2, 850 39
				2, 467 66	194 46	88 62	135 85	418 93	2, 048 73
				5, 042 60	397 38	181 10	277 61	856 09	4, 186 51
				17, 702 74	1, 395 07	635 78	974 60	3, 005 45	14, 697 29
				10, 299 78	811 67	369 91	567 04	1, 748 62	8, 551 16
			682	5, 793 62	456 56	208 07	318 96	983 59	4, 810 03
				6, 330 07	498 85	227 34	348 50	1, 074 69	5, 255 38
				1, 823 92	143 73	65 51	100 41	309 65	1, 514 27
				15, 342 38	1, 209 05	551 01	844 66	2, 604 72	12, 737 66
				7, 069 00	601 11	253 87	389 16	1, 244 14	5, 824 86
				4, 284 24	364 32	153 86	235 90	754 08	3, 530 16
		1865.		2, 677 64	227 70	96 17	147 42	471 29	2, 206 35
.....	United States..	Oct. 4		2, 570 53	218 59	92 32	141 52	452 43	2, 118 10
		Nov. 24	6	867 37	76 30	31 15	47 75	155 20	712 17
		Nov. 25	44	6, 288 41	553 26	225 85	346 20	1, 125 31	5, 163 10
			27	3, 864 12	304 05	138 78	212 74	655 57	3, 208 55
			40	5, 724 63	486 00	205 60	315 16	1, 006 76	4, 717 87
			6	858 69	72 90	30 84	47 27	151 01	707 68
			47	6, 726 43	571 05	241 57	370 31	1, 182 93	5, 543 50
			6	858 69	72 90	30 84	47 27	151 01	707 68
			34	4, 865 93	414 80	174 76	267 89	857 45	4, 008 48
			1	143 12	12 20	5 14	7 88	25 22	117 90
			2	286 23	11 40	10 28	15 76	37 44	248 79
			9	1, 288 04	48 00	46 26	70 91	165 17	1, 122 87
			4	572 46	21 35	20 56	31 32	73 23	499 23
			6	858 69	33 50	30 84	47 27	111 61	747 08
			47	6, 726 43	63 15	241 57	370 31	675 03	6, 051 40
			67	9, 588 75	1, 091 68	344 37	541 02	1, 977 07	*7, 611 68

Freeman, May 17, 1866.

O. N CUTLER,
Supervising Agent.

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III.—*Statement of captured cotton collected in*

From whom collected.	Where collected.	By whom collected.	By whom shipped.	When received.	Number of bales received.	Number of bales to contractor.	Number of bales to New York.
				1865.			
	Lafayette Co., Ark	E. B. Fuqua	Boflinger, Aiken & Burns	Oct. 17	150	38	112
J. H. Hamiter	do		do	Oct. 17	70	17	53
Hamiter & Obenchain	Sevier County, Ark	T. McGinnis	R. G. Curtis	Oct. 30	160	....	160
Hamiter & Fulton	do	do	do	Oct. 30	34	....	34
—— Drury	Shreveport, La		do	Oct. 30	7	....	7
Carter & Abney	do		do	Oct. 30	8	....	8
	do		do	Oct. 30	3	....	3
J. G. Fullilove	Caddo Parish, La	J. E. Tewell	Boffinger & Co	Oct. 10	21	6	15
—— Hollingsworth	De Soto Parish, La	do	do	Oct. 10	11	4	7
A. Bass		do	do	Oct. 10	2	....	2
—— Pelham	Panola County, Tex	do	do	Oct. 10	2		
H. L. Andrews	do	do	do	Oct. 10	2	4	7
J. A. Alexander	do	do	do	Oct. 10	7		
S. S. Bowman	Wood County, Tex	do	do	Oct. 10	10	3	7
A. Johnson	Panola County, Tex	do	do	Oct. 10	13	4	9
—— Leach	do	do	do	Oct. 10	1	....	1
J. Strauss	do	do	do	Oct. 10	10	3	7
J. J. Hodges	Bossier County, Tex	do	do	Oct. 10	20	5	15
	Faulkner's Land'g, La		O. N. Cutler	Sept. 30	5	....	5
	Sabine Pass, Tex		Craig & Keith	Oct. 31	7	....	7
F. Lee	Lafayette Co., Ark		R. G. Curtis	Mar. 13	14	....	14
			do	Nov. 6	7	....	7
			do	Nov. 6	12	....	12
H. C. Boyd	Lafayette Co., Ark	H. A. Miller	A. B. Miller	Jan. 6	83	....	83
Thos. B. Trigg	do		do	Jan. 4	60	15	45
	Union County, Ark	W. A. McCann	J. D. Bears	Dec. 8	23	....	23
Hamilton & Fulton	Sevier County, Ark		R. G. Curtis	Oct. 10	70	....	70
	Shreveport, La		do		10	8	2
	do		do	Mar. 26	14	....	14
	do		do	Mar. 26	13	....	13
	do		do	Mar. 26	11	....	11
F. Lee	Lafayette Co., Ark		do	Mar. 26	3	....	3
H. C. Boyd	do		do	Jan. 6	28	....	28
Do	do		do	Jan. 30	4	....	4
J. Paup	do		do	Jan. 18	10	....	10
				Jan. 15	1	....	1
			R. G. Curtis	Mar. 26	2	....	2
	Shreveport, La	Weaver & Hovey		Oct. 21	49	12	37
	Franklin Parish, La	D. Hensessey		Nov. 13	2	....	2
		do		Nov. 13	3	....	3
	Union County, Ark	W. A. McCann		Dec. 8	115	47	68

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the third special agency, &c.—Continued.

Date of shipment.	Vessel.	Date of sale.	Number of bales sold.	Gross proceeds.	Expenses to and at New Orleans.	Freight to New York.	Expenses at New York.	Total expenses.	Proceeds in the Treasury.
1865.		1865.							
Oct. 25	R. R. Cuyler.....	Nov. 25	112	$10,791 29	$1,986 05	$1,061 04	$157 80	$3,204 89	$7,586 40
			53	5,106 60	939 35	502 10	74 68	1,516 13	3,590 47
Nov. 23	Mariposa.....	Dec. 28	160	20,796 87	6,384 12	990 40	371 73	7,746 25	13,050 62
			34	4,419 33	1,274 47	210 46	79 00	1,563 93	2,855 40
			7	909 86	215 02	43 30	16 26	274 58	635 28
			8	1,039 85	245 74	49 50	18 59	313 83	726 02
			3	389 94	92 15	18 56	6 97	117 68	272 26
			15	1,045 50	379 05	77 96	29 54	486 55	558 95
			7	487 90	176 90	36 38	13 78	227 06	260 84
			2	139 40	50 54	10 40	3 94	64 88	74 52
Nov. 18	Guiding Star.....	Dec. 28	7	88 71	32 17	6 62	2 51	41 30	47 41
				310 48	112 56	23 14	8 76	144 46	166 02
			7	487 90	176 90	36 38	13 78	227 06	260 84
			9	627 31	227 44	46 79	17 73	291 96	335 35
			1	69 70	25 27	5 20	1 97	32 44	37 26
			7	487 90	176 90	36 38	13 78	227 06	260 84
			15	1,045 50	379 05	77 96	29 54	486 55	558 95
Nov. 18	Star of the Union..	Dec. 28	5	589 91	210 36	34 31	17 24	261 91	328 00
			7	825 87	294 50	48 03	24 14	366 67	459 20
			14	1,651 74	589 01	96 05	48 28	733 34	918 40
			7	825 87	294 50	48 03	24 14	366 67	459 20
			12	1,415 78	504 86	82 34	41 37	628 57	787 21
Jan. 22	Evening Star.....	Sept. 12	83	6,249 99	4,763 07	763 35	582 08	6,108 50	141 49
			45	3,388 55	2,582 43	413 87	392 25	3,388 55	.....
Feb. 10	Geo. Washington..	May 10	24	1,961 06	1,069 09	180 87	134 50	1,384 46	576 60
Mar. 30	Star of the Union..	May 25	70	4,385 74	2,867 49	440 23	383 86	3,691 58	694 16
			2	125 31	81 93	12 58	10 97	105 48	19 83
June 5	Geo. Cromwell.....	Sept. 12	14	889 11	628 70	137 87	108 44	875 01	14 10
			13	825 61	583 73	128 02	100 67	812 42	13 19
			11	698 59	493 97	108 33	85 18	687 48	11 11
			3	190 53	134 73	29 55	23 24	187 52	3 01
			28	2,267 47	1,411 45	352 05	231 18	1,994 68	272 79
			4	323 93	201 64	50 29	33 03	284 96	38 97
.....	Sheridan.....	Sept. 12	10	809 91	504 09	125 72	82 56	712 37	97 54
			1	80 98	50 41	12 57	8 26	71 24	9 74
			2	161 96	100 82	25 14	16 51	142 47	19 49
Dec. 10	Morning Star.....	Sept. 12	37	1,825 69	738 01	199 62	270 57	1,208 20	617 49
			2	98 69	39 90	10 79	14 63	65 32	33 37
			3	148 03	59 84	16 19	21 94	97 97	50 06
1866. Jan. 31	Star of the Union.	May 10	68	2,680 00	1,925 64	417 09	337 27	2,680 00	.....

O. H. BURBRIDGE, *Supervising Agent.*

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III.—*Statement of captured cotton collected in*

From whom collected.	Where collected.	By whom collected.	By whom shipped.	When received.	No. of bales received.	No. of bales to contractor.	No. of bales to New York.	Date of shipment.	Vessel.
Isaac N. Jones	Hempstead Co., Ark.	.....	A. B. Miller	1866. Jan. 1	135	...	135	1866. Jan. 24	Equator
					86	...	86	1865. Dec. —	Neshannock
	Union Co., Ark	R. Lamkin	.....	Jan. 4	15	4	11	.....	.....
Morgan Cryer	Lafayette Co., Ark.	H. Spanier	J. J. Mathews	Jan. 8	37	9	28	.....	.....
J. A. Adams	do	.....	do.	Mar. 13	26	6	20	.....	.....
	Texas	Turnbull & Hawkins.	R. L. Robertson.	Jan. 15	1	...	1	.....	.....
W. G. Gill	do	do	do	Jan. 15	19	9½	9½	1866. Mar. 8	Geo. Washington.
M. Watson	.....	do	do	Jan. 15	15	7½	7½	.....	.....
J. Paup	Lafayette Co., Ark.	H. A. Miller	A. B. Miller	Jan. 18	31	...	31	.....	.....
		H. Spanier	J. J. Mathews	Jan. 22	22	6	16	.....	.....
		do	do	Jan. 22	4	1	3	.....	.....
H. C. Boyd	Lafayette Co., Ark.	H. A. Miller	A. B. Miller	Jan. 30	11	...	11	.....	.....
J. W. Burbridge & Co.	New Orleans, La.	.....	.....	1865. Dec. 16	49	...	49	.....	.....
	Shreveport, La	.....	Walsh & Boisseau.	Nov. 30	8	...	8	.....	.....
J. C. Truly & Bro.	Grand Ecore, La.	.....	Woodward	Dec. 2	3	...	3	1865. Dec. 19	Ariel
	Shreveport, La	.....	R. G. Curtis	Dec. 5	8	...	8	.....	.....
	Monroe, La	.....	J. D. Bears	Dec. 7	10	...	10	.....	.....
	do	.....	do	Dec. 7	8	...	8	.....	.....
Total of third agency									

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the third special agency, &c.—Continued.

Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at New Orleans.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds released by Secretary of the Treasury.			Proceeds in Treasury.
							Date of release.	To whom released.	Amount released.	
1866. Mar. 15	135	$19,113 02	$6,110 86	$1,275 50	$419 54	$7,805 90	1866. Apr. 7	Andrews, adm'r of Jones.	$11,307 12	.....
May 10	45	3,898 29	1,028 88	296 58	280 88	1,606 34	Oct. 23	H. Spanier ..	2,291 95	.....
	41	3,551 70	1,358 00	270 20	255 90	1,884 10	.....	.....	.....	$1,667 60
.....	11	916 70	415 75	102 22	52 10	570 07	.....	.....	.....	346 63
.....	28	2,333 43	1,058 27	260 20	132 62	1,451 09	.....	.....	.....	882 34
.....	20	1,666 73	755 91	185 86	94 73	1,036 50	1867. Apr. 8	J. A. Adams.	482 80	147 43
.....	1	83 34	37 80	9 29	4 74	51 83	.....	.....	.....	31 51
May 10	9½	791 70	359 06	88 28	45 00	492 34	1866. Nov. 26	W. H. Gill ..	188 98	110 38
.....	7½	625 02	283 47	69 70	35 52	388 69	.....	.....	.....	236 33
.....	31	2,583 44	1,171 66	288 07	146 83	1,606 56	.....	.....	.....	976 88
.....	16	1,333 39	604 73	148 69	75 79	829 21	.....	.....	.....	504 18
.....	3	250 01	113 39	27 88	14 21	155 48	.....	.....	.....	94 53
.....	11	916 70	415 75	102 22	52 10	570 07	.....	.....	.....	346 63
.....	49	3,271 84	1,622 30	379 24	375 75	2,377 29	.....	.....	.....	894 55
.....	8	534 19	264 87	61 92	61 35	388 14	.....	.....	.....	146 05
Sept. 12	3	200 32	99 33	23 22	23 00	145 55	.....	J. C. Truly & Bro.	54 77	.....
.....	8	534 19	264 87	61 92	61 35	388 14	Oct. 23	H. Spanier ..	146 05	.....
.....	10	667 74	331 08	77 40	76 68	485 16	.....	.....	.....	182 58
.....	8	534 19	264 87	61 92	61 35	388 14	.....	.....	.....	146 05
.....	6,375	838,043 92	.....	.....	.....	232,487 94	.....	.....	38,869 12	566,686 86

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IV.—*Statement of captured cotton collected in the fourth special agency subsequent to June 1, and forwarded to and sold by Simeon Draper.*

From whom collected.	Where collected.	By whom collected or turned over.	By whom received.	Where received.	No. of bales received.	When received.	To whom transferred.
						1865.	
	Brazos and other counties, Tex.	C. B. Alexander	H. C. Warmoth	Galveston	223	Aug.	Geo. S. Denison sup'g agent.
	Burleson and other counties, Tex.	A. R. Wiggs	do	do	26		do
	Polk Co., Tex.	D. A. Orvis and James Hogue.	do	do	54		do
	Walker Co., Tex	Thos. Sergeant	do	do	37		do
		A. Sessums	do	do	3		do
		A. J. Flake	do	do	2		do
		J. C. Whitney	do	do	42		do
	Columbus, Tex	Lt. Rob't Tendick	do	do	18		do
		C. S. Longcope	do	do	2		do
	Fayette Co., Tex	J. Neise	do	do	14		do
		J. L. Farquher	do	do	4		do
		John Henderson	do	do	4		do
		A. Sessums	do	do	24		do
	Washington Co., Tex.	R. C. Stuart	do	do	41		do
	Alleyton	G. E. Atwood, A. Q. M.	do	do	31		do
		Do	do	do	90		do
	Liberty Co	N. R. Goin	do	do	39		do
		T. L. Randle	do	do	20		do
B. M. Merchison.	Colorado Co	R. Allen	do	Houston	23		G. A. Hall
	Polk Co	Orvis & Hogue	do	do	31		do
	Burleson and other counties, Tex.	A. R. Wiggs	do	do	81		do
	Brazos and other counties, Tex.	C. B. Alexander	do	do	8		do
		J. H. Bell	do	do	5		do
		G. B. Persley	do	do	2		do
		H. M. Elmore	do	do	3		do
	Washington Co	R. C. Stuart	G. A. Hall	do	71		do
	Polk Co	Orvis & Hogue	do	do	87		do
	Burleson and other counties.	A. R. Wiggs	do	do	31		do
	Robertson and other counties.	C. B. Alexander	do	do	26		do
		M. D. Conklin	do	do	8		do
		A. J. Thompson	do	do	4		do
		R. Allen	do	do	11		do
		—— Bishop	do	do	4		do
		Somerville & McCauley.	do	do	4		do
		C. B. Alexander	Geo. S. Denison	Galveston	34	Oct. 14	
		Do	do	do	36	Oct. 16	
		Do	do	do	23	Oct. 18	
	Burleson and other counties.	Do	do	do	36		
	Polk Co	D. A. Orvis	do	do	5		
J. Coleman.	Tyler Co	H. W. Bendy	do	do	10		
			do	do	5	Dec. 26 1866.	
	Victoria		Geo. W. Dent, sup'g agent.	do	83	Jan. 12	
			do	do	8	Jan. 12	
			do	do	14	Jan. 12	
			do	do	4	Jan. 12	
			do	do	2	Jan. 12	
	Alleyton	J. H. Clark	do	do	5	Feb. 3	
	Alleyton	A. Fenelon	do	do	3	Feb. 8	
	Houston	J. Olmstead	do	do	7	Feb. 19	
	Alleyton	G. B. Douglass	do	do	27	Mar. 9	
	Millican	G. H. Gladwin	do	do	4	Mar. 9	

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1865, under G. S. Denison and G. W. Dent, supervising special agents, Galveston, Tex., United States cotton-agent at New York.

No. of bales to collectors.	No. of bales sold in Texas.	No. of bales to New York.	Date of shipment.	Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Galveston.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Net proceeds.
			1865.		1866.							
88		135	Dec. —	W. R. Beebe	Jan. 9	135	$22,759 18	$1,282 50	$1,258 75	$2,092 50	$4,633 75	$18,125 43
7		19	do	do	do	19	3,203 14	180 50	177 14	294 50	652 14	2,551 00
14		40	do	do	do	40	6,743 40	380 00	372 94	620 00	1,372 94	5,370 52
10		27	do	do	do	27	4,551 82	256 50	251 73	418 50	926 73	3,625 09
		3	do	do	do	3	505 76	28 50	27 97	46 50	102 97	402 79
		2	do	do	do	2	337 17	19 00	18 65	31 00	68 65	268 52
		42	do	do	do	42	7,080 62	399 00	391 60	651 00	1,441 60	5,639 02
		18	do	do	do	18	3,034 56	171 00	167 83	279 00	617 83	2,416 73
		2	do	do	do	2	337 17	19 00	18 65	31 00	68 65	268 52
		14	do	do	do	14	2,360 21	133 00	130 54	217 00	480 54	1,879 67
		4	do	do	do	4	674 35	38 00	37 30	62 00	137 30	537 05
		4	do	do	do	4	674 35	38 00	37 30	62 00	137 30	537 05
6		18	do	do	do	18	3,034 56	171 00	167 83	279 00	617 83	2,416 73
10		31	do	do	do	31	5,226 17	294 50	289 02	480 50	1,064 02	4,162 15
		31	do	do	do	31	5,226 17	294 50	289 02	480 50	1,064 02	4,162 15
		90	do	do	do	90	15,172 80	855 00	839 10	1,395 00	3,089 10	12,083 70
9		30	do	do	do	30	5,057 60	285 00	279 70	465 00	1,029 70	4,027 90
		20	do	do	do	20	3,371 73	190 00	186 47	310 00	686 47	2,685 26
8		15	do	do	do	15	2,528 80	142 50	139 85	232 50	514 85	2,013 95
8		23	do	do	do	23	3,877 49	218 50	214 44	356 50	789 44	3,088 05
20		61	do	do	do	61	10,283 77	579 50	568 72	945 50	2,093 72	8,190 05
3		5	do	do	do	5	842 93	47 50	46 62	77 50	171 62	671 31
		5	do	do	do	5	842 93	47 50	46 62	77 50	171 62	671 31
		2	do	do	do	2	337 17	19 00	18 65	31 00	68 65	268 52
		3	do	do	do	3	505 76	28 50	28 00	46 50	103 00	402 76
17		54	do	do	do	54	9,103 64	513 00	503 46	837 00	1,853 46	7,250 18
27		60	do	do	do	60	10,115 20	570 00	559 55	930 00	2,059 55	8,055 65
11		20	do	do	do	20	3,371 73	190 00	186 47	310 00	686 47	2,685 26
		26	do	do	do	26	4,383 25	247 00	242 41	403 00	892 41	3,490 84
2		6	do	do	do	6	1,011 52	57 00	55 94	93 00	205 94	805 58
1		3	do	do	do	3	505 76	28 50	27 97	46 50	102 97	402 79
		11	do	do	do	11	1,854 44	104 50	102 55	170 50	377 55	1,476 89
1		3	do	do	do	3	505 76	28 50	27 97	46 50	102 97	402 79
1		3	do	do	do	3	505 76	28 50	27 97	46 50	102 97	402 79
		34	do	do	do	34	5,731 93	323 00	316 99	527 00	1,166 99	4,564 94
		36	do	do	do	36	6,069 12	342 00	335 66	558 00	1,235 66	4,833 46
		23	do	do	do	23	3,877 51	218 50	214 44	356 50	789 44	3,088 07
		36				36	3,347 05					3,347 05
5						5	198 68					198 68
10						10	300 00					300 00
5						5	936 27					936 27
			1866.									
		83	Feb. 2	Virginia	May 25	83	8,309 73	1,698 63	1,272 06	3,156 40	6,127 09	2,182 64
		8	Feb. 24	Georgia	Mar 16	8	584 00	178 80	37 40	184 22	400 42	183 58
		14	do	do	do	14	1,021 96	312 90	65 45	323 13	701 48	320 48
		4	do	do	do	4	292 00	89 40	18 70	52 61	160 71	131 29
		2	do	do	do	2	146 00	44 70	9 35	26 30	80 35	65 65
		5	do	do	do	5	365 00	111 75	23 36	65 76	200 87	164 13
		3	do	do	do	3	219 00	67 04	14 02	39 46	120 52	98 48
		7	do	do	do	7	510 97	156 60	32 72	91 06	280 38	230 59
7		20	Sept. 3	Virginia	Sept. 21	20	1,096 25	160 81	140 00	156 00	456 81	639 44
		4	do	do	do	4	219 25	32 16	28 00	31 20	91 36	127 89

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IV.—*Statement of captured cotton collected in the fourth*

From whom collected.	Where collected.	By whom collected or turned over.	By whom received.	Where received.	No. of bales received.	When received.	To whom transferred.
	Alleyton.....	B. J. McMahon..	Geo. W. Dent, sup'g agent.	Galveston	6	1866. Mar. 9	.....
	Lockhart	Thos. H. Baker..	....do	....do	4	Mar. 18	.....
	Millican	J. W. Haynes ...	....do	....do	3	Mar. 31	.....
	Alleyton.....	B. J. McMahon..	....do	....do	1	Mar. 31	.....
			....do	....do	9	.....	.....
	Lockhart	Thos. H. Baker..	.....	....do	1	1865. Dec. 20	.....
	Lockhart	....do	.....	....do	1	1866. Jan. 17	.....
	San Antonio ..	S. Gamage	.....	....do	16	May 15	.....
	Total.....	.....	.....	....do		.....	.....

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special agency subsequent to June 1, 1865, *&c.*—Continued.

No. of bales to collectors.	No. of bales sold in Texas.	No. of bales to New York.	Date of shipment.	Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Galveston.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Net proceeds.
			1866.		1866.							
....		6	Sept. 3	Virginia	Sept. 21	6	$328 87	$48 24	$42 00	$46 80	$137 04	$191 83
....		4	...do	....do	...do	4	219 25	32 16	28 00	31 20	91 36	127 89
....		3	...do	....do	...do	3	164 44	24 12	21 00	23 40	68 52	95 92
....		1	...do	... do	...do	1	54 81	8 04	7 00	7 80	22 84	31 97
....		9	...do	....do	...do ...	9	493 32	72 36	63 00	70 20	205 56	287 76
....	1	....	.....	.....	.....	1	68 25	.....	.....	.....	.....	68 25
....	1	....	.....	.....	.....	1	102 00	.....	.....	.....	.....	102 00
....	16	....	.....	.....	.....	16	492 77	.....	.....	.....	.....	492 77
....	....	....	.....	.....	.....	1,170	175,075 16	.....	.....	.....	40,826 13	134,249 03

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V.—*Statement of captured cotton collected in the fifth special agency subsequent to June 1, sold by Simeon Draper, United*

From whom captured.	Where captured or collected.	From whom received.	When received.	Number of bales received.	Number of bales to contractor.	Number of bales sold at Savannah.	Number of bales to New York.	By whom shipped.
			1865.					
G. B. Lamar and Importing and Exporting Company of Georgia.	Thomasville, Ga.	Col. W. M. Kimball.	Aug. 15	1,021	241	25	755	A. G. Browne, Savannah, Ga.
Do	do	do		484	113	13	358	do
State of North Carolina.	do	do		331	75	10	246	do
State of Georgia	do	do		31	7	2	22	do
Importing and Exporting Company of Georgia.	do	Capt. E. Dove	Nov. 21	21	5		16	do
Do	do	Maj. G. A. Hastings.	Nov. 10	108	22	3	83	do
Do	Grooverville, Ga	Col. W. K. Kimball.	Aug. 15	13	3		10	do
Do	Doctortown, Ga	Lieutenant-Colonel Bogert.	Dec. 6	55	15		50	do
Do	Quitman, Ga	do	Dec. 2	10				
Do	Doctortown, Ga	do	Dec. 6	45	11		34	do
Do	Duncansville, Ga	do	Dec. 11	10	2		8	do
			Dec. —	23	5		18	do
	Florida			88			88	R. Ottman, Jacksonville, Fla.
	do			73			73	do
	do			63			63	do
	do			34			34	
	do			95			95	S. G. Cabell, Jacksonville, Fla.
	do			177			177	do
	do			22			22	Charles Howe, Key West, Fla.
Total in fifth agency								

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1865, under A. G. Browne, supervising special agent, Savannah, Ga., and forwarded to and States cotton-agent at New York.

Date of shipment.	Vessel.	Number of bales shipped and sold.	Date of sale.	Total number of bales sold.	Gross proceeds.	Expenses at Savannah and Jacksonville.	Freight to New York, expenses of sale, and commission to agents.	Total expenses.	Net proceeds.
1865.			1866.						
(Dec. 11	Olive Francis ...	371	Apr. 3	789	$126,308 42	$1,687 40	$10,586 67	$15,274 07	$111,034 35
(Dec. 16	J. M. Bramhall ..	120	Apr. 3						
Dec. 23	Calista	219	July 20	371	60,077 47	2,220 51	5,022 74	7,252 25	52,825 22
.....	.....	....	.....	255	41,455 08	1,538 36	3,454 29	4,992 65	36,462 43
Dec. 30	San Jacinto	702	Apr. 3	21	3,886 41	144 20	311 51	455 71	3,430 70
.....	.....	....	.....	16	2,590 94	96 16	223 02	319 18	2,271 76
.....	.....	....	.....	86	13,926 32	516 80	1,164 72	1,681 52	12,244 80
1866.									
Jan. 5	San Salvador	171	Mar. 15	10	1,619 34	60 10	139 39	199 49	1,419 85
.....	.....	....	.....	50	8,096 70	300 47	667 27	967 74	7,128 96
.....	.....	....	.....	34	5,505 76	204 34	473 93	678 27	4,827 49
.....	.....	....	.....	8	1,295 47	48 08	111 51	159 59	1,135 88
Jan. 26	San Jacinto	17	Mar. 15	18	2,914 80	108 18	250 90	359 08	2,555 72
1865.			1865.						
Aug. 12	Julia A. Crawford	....	Sept. 8	82	17,677 02	704 00	663 49	1,367 49	16,309 53
Aug. 31	R. E. Pecker.....	....	Nov. 21	73	9,522 19	584 00	528 14	1,112 14	8,410 05
.....	Potomac	....	Dec. 15	63	13,404 65	594 00	619 73	1,123 73	12,280 92
Oct. 12	Eothen	....	Dec. 15	34	4,306 70	272 00	215 45	487 45	3,819 25
.....	Queen of the West.	....	Sept. 12	95	12,218 38	3,538 82	1,747 97	5,286 79	6,931 59
.....	Lewis Clark.....	....	Sept. 12	177	24,335 08	6,530 76	3,081 77	9,672 53	14,662 55
1866.			1866.						
Mar. 14	C. Whitney	....	May 25	22	2,461 24	35 53	140 30	175 83	2,285 41
.....	.....	....	.....	2,205	351,601 97	.....	.....	51,565 51	300,036 46

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VI.—*Statement of captured cotton collected in the sixth special agency subsequent to June 1, sold by Simeon Draper, United*

From whom collected.	Where collected.	From whom received.	By whom received.	When received.	Where received.
				1865.	
	Raleigh	Capt. J. D. Stubb		May 16	New Berne
	do	do		do	do
	New Berne			do	do
	Plymouth	E. H. Willis, agent		do	do
	do			do	do
	Graham	Capt. G. A. Lyon		June 25	do
	do	do		do	do
	do	do		June 30	do
	do	do		do	do
	Warren Co	W. W. McChesney	Contractor	do	do
	do	do	do	do	do
	do	do	do	do	do
	Graham	Capt. G. A. Lyon		do	do
	Charlotte	William Sloan, agent		do	do
	do	do		July —	do
	do	do		do	do
	Graham	J. Worth		do	do
	Greensborough	Capt. G. A. Lyon		July 12	do
	Charlotte	William Sloan, agent		do	do
	Halifax	Capt. William M. Heath		do	do
	do	do		do	do
		Gen. J. R. Hawley		Mar. —	Wilmington
		do		Mar. 13	do
		Capt. R. G. Campbell	O. O. Kelsea	May —	do
Donnelly & Co		do	do	do	do
James Dawson		do	do	do	do
L. De Bebian		do	do	do	do
		do	do	May 24	do
		Gen. J. R. Hawley	do	June 2	do
L. De Bebian		Capt. R. G. Campbell	do	do	do
R. A. Young & Co		do	do	do	do
W. J. Gopp		do	do	do	do
			C. T. Blakeslee	May —	Beaufort
			do	do	do
Total in sixth agency					

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1865, *under D. Heaton, supervising special agent, New Berne, N. C., and forwarded to and States cotton-agent at New York.*

No. bales received and forwarded to New York.	Date of shipment.	Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses paid by agency.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Net proceeds.
	1865.		1865.							
157	June 14	Urbana	June 30	157	$37,315 89	$2,355 00	$375 00	$862 02	$3,592 02	$33,723 87
84	June 24	El. Cid	July 1	84	13,472 84	1,260 00	395 02	478 11	2,133 13	11,339 71
2	..do	....do	..do	2	320 78	10 00	9 40	11 38	30 78	290 00
2	..do	....do	..do	2	320 78	10 00	9 40	11 38	30 78	290 00
4	..do	....do	..do	4	641 56	20 00	18 80	22 76	61 56	580 00
43	June 27	Delmar	July 26	43	6,773 82	215 00	95 84	191 76	502 60	6,271 22
246	July 1	F. C. Smith	..do	246	38,765 50	1,230 00	540 05	450 45	2,220 50	36,545 00
101	July 12	Two Marys	..do	101	15,915 91	505 00	260 21	1,097 14	1,862 35	14,053 56
146	July 8	E. W. Perry	..do	146	23,007 17	730 00	349 83	651 14	1,730 97	21,276 20
196	..do	....do	..do	196	30,926 33	980 00	469 24	874 74	2,323 98	28,602 35
135	July 19	F. P. Simpson	Aug. 23	135	20,238 09	675 00	312 13	512 71	1,499 84	18,738 25
74	July 25	E. J. Downing	..do	74	11,507 91	370 00	411 54	593 51	1,375 05	10,132 86
43	Aug. 18	Eugene	Sept. 8	43	6,590 46	215 00	147 08	345 26	707 34	5,883 12
30	..do	....do	..do	30	4,598 09	360 00	102 62	240 87	703 49	3,894 60
100	Aug. 21	A. Cordeny	..do	100	14,009 11	1,200 00	340 58	408 77	1,949 35	12,059 76
26	Sept. 2	El. Cid	Sept. 12	26	4,873 47	312 00	106 30	190 17	608 47	4,265 00
29	..do	....do	..do	29	5,435 80	76 80	118 60	212 10	407 50	5,028 30
34	Sept. 9	D. H. Mount	Oct. 11	34	5,937 53	170 00	142 90	323 78	636 68	5,300 85
9	..do	....do	..do	9	1,571 70	45 00	37 80	85 71	168 51	1,403 19
4	..do	....do	..do	4	698 54	20 00	16 80	38 09	74 89	623 65
25	Sept. 23	Ellen S. Ferry	..do	25	3,520 27	125 00	106 78	333 85	565 63	2,954 64
17	Mar. 25	B. R. Hull	Apr. 22	17	389 15	.....	.....	122 11	122 11	267 04
383	..do	Herschel	Apr. 18	383	30,784 65	766 00	549 00	1,809 00	3,124 00	27,660 65
4	May 11	C. E. Raymond	.....	4	493 76	.....	16 67	19 13	35 80	457 96
52	..do	....do	.....	52	6,418 80	.....	216 83	248 68	465 51	5,953 29
109	..do	....do	.....	109	13,454 80	.....	419 00	521 28	940 28	12,514 52
100½	..do	....do	.....	100½	12,405 58	.....	454 50	480 63	935 13	11,470 45
67	June 17	Louisa Moore	July 1	67	482 40	200 88	202 19	79 33	482 40	.....
28	July 21	Euterpe	.....	28	3,242 90	158 24	61 39	127 45	347 08	2,895 82
109	..do	....do	.....	109	12,624 02	616 00	238 97	496 17	1,351 14	11,272 88
5	..do	....do	.....	5	579 10	28 26	10 96	22 75	61 97	517 13
2	..do	....do	.....	2	231 64	11 30	4 38	9 10	24 78	206 86
19	May 3	M. Holmes	.....	19	3,992 76	38 00	61 03	168 85	267 88	3,724 88
13	..do	Zodiac	.....	13	2,820 81	26 00	78 00	114 20	218 20	2,602 61
.....	.....	.....	.....	2,398½	334,361 92	.....	.....	.....	31,561 70	302,800 22

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VII.—*Statement of captured cotton collected in the eighth special agency subsequent to June 1, sold by Simeon Draper, United*

From whom collected.	Where collected.	By whom collected.	When received.	No. of bales received.	No. of bales to New York.	Date of shipment.
			1865.			1865.
Louisa McCord	Orangeburgh district	William F. McMillan	Nov. 11	147	415½	Dec. 1
B. F. Williamson	Darlington district	Daniel Sayer	Nov. 25	210		
S. H. Wilds	do	do	Nov. 25	61½		
			1866.			
George Schley	Savannah, Ga	William R. Garrard	Jan. 31	196	196	
Do	do	do			50	
			1865.			
	Columbia, S. C	Edgar McMullen		109	109	
J. E. Gregg	Marion district	William R. Garrard	Nov. 14	1	1	
—— Evans	do	do	Nov. 14	2	2	
E. Waring	do	do	Nov. 14	1	1	
J. Watson	do	do	Nov. 14	1	1	1865
R. J. Smith	do	do	Dec. 27	2	2	Feb. 2
J. N. Haider	Orangeburgh district	Thomas Oliver	Dec. 27	10	10	
		Thomas H. Rhett	Nov. 19	10	10	
Susan Bowman, William Dellis, *et al.*	Orangeburgh district	William F. McMillan		44	44	
Stroud & Crocket	Chester district	Edgar McMullen		51	51	
David Jennings	Anderson district	Thomas W. G. Fry	Dec. 2	84	84	Jan. 11
	Savannah, Ga	Lewis A. Dodge	Nov. 13	67	67	
A. H. Kirby	Spartanburgh district	Thomas W. G. Fry		5	5	
A. Gaundy	Darlington district	Daniel Sayer		17	17	
E. W. Bonney	Richland district	Edgar McMullen		8	8	
R. J. Smith	Marion district	William R. Garrard	Nov. 23	7	7	Feb. 9
	Williamsburgh district	do	Oct. 26	7	7	
	do	do	Oct. 26	5	5	
R. J. Smith	Marion district	do	Nov. 23	5	5	
C. Keyes	Anderson district	Thomas W. G. Fry	Dec. 6	4	4	
Hannah Bethea	Marion district	William R. Garrard	Nov. 14	27	27	
F. H. Kennedy	Sumter district	Daniel Sayer		16	16	
	Darlington district	do		25	25	Jan. 22
Evan J. Lide	do	do		24	24	
——	Savannah, Ga	William R. Garrard		15	15	
Alexander McLeod	Charleston, S. C	Daniel Sayer		39	39	May 3
			1866.			
J. L. Augur	Chester district	Erdix Y. Swift	Mar. 3	65	65	
S. Ranney	do	do	Mar. 3	3	3	
—— Hinon	do	do	Mar. 3	2	2	May 3
J. F. Livingston		Thomas W. G. Fry	Mar. 5	4	4	
		do	Mar. 5	2	2	
Lanham	Spartanburgh district	do	Jan. —	2	2	
						1865.
C. S. Agents	Augusta, Ga	By military authorities and turned over to J. H. Pilsbury, assistant agent, Augusta, Ga.		358	358	Aug. 12
Do	do	do		310	310	Aug. 14
Do	do	do		206	206	Aug. 29
Do	do	do		260	260	Aug. 29
Total in eighth agency						

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1865, under T. C. Callicot, supervising special agent, Charleston, S. C., and forwarded to and States cotton-agent at New York.

Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Charleston and Savannah.	Freight to New York.	Expenses at New York, including commissions at New York.	Total expenses.	Net proceeds.
	1866.							
Flora	Mar. 2	288	$26,546 26	$1,612 85	$459 35	$1,380 80	$3,453 00	$23,093 26
	Burned; insured.	130½	37,923 23	1,644 50	656 48	1,973 10	4,274 08	33,649 15
			11,575 09	403 94	152 20	577 65	1,173,79	10,401 30
Virgo	Mar. 15	196	46,141 95	*10,801 05	530 10	2,863 19	18,076 38	28,065 57
				3,882 04				
Flambeau	Apr. 3	50	7,140 25	†1,036 78	158 04	690 13	3,000 45	4,139 80
				1,115 50				
S. G. Hart	May 25	109	13,873 33	263 82	226 80	1,639 63	2,130 25	11,743 08
		1	127 67	15 45	2 09	15 09	32 63	95 04
		2	255 33	30 90	4 18	30 17	65 25	190 08
		1	127 67	15 45	2 09	15 09	32 63	95 04
		1	127 67	15 45	2 09	15 09	32 63	95 04
		2	255 33	36 10	5 18	30 17	70 45	184 88
		10	1,276 68	302 85	20 87	150 90	474 62	802 06
		10	1,276 68	172 75	20 87	150 90	344 52	932 16
		44	5,617 40	730 55	91 84	663 90	1,486 29	4,131 11
John N. Genin	May 25	51	6,574 90	125 35	107 45	514 06	746 86	5,828 04
		84	10,464 13	2,049 39	180 75	856 10	3,086 24	7,377 89
		67	8,346 49	790 60	144 15	682 86	1,617 61	6,728 88
B. N. Hawkins	.....	5	744 00	120 08	9 74	64 37	194 19	549 81
		17	2,529 55	183 60	33 10	218 86	435 56	2,093 99
		8	1,190 36	92 47	15 57	103 00	211 04	979 32
		7	1,041 60	98 80	13 63	90 11	202 54	839 06
		7	1,041 60	79 10	13 63	90 11	182 84	858 76
		5	744 00	56 50	9 74	64 37	130 61	613 39
		5	744 00	54 00	9 74	64 37	128 11	615 89
		4	595 20	90 45	7 79	51 50	149 74	445 46
Atlas	July 20	27	2,982 10	233 55	35 73	256 46	525 74	2,456 36
		16	1,767 20	244 80	21 17	151 97	417 94	1,349 26
		25	2,761 20	457 50	33 09	237 47	728 06	2,033 14
		24	2,650 76	307 20	31 75	227 95	566 90	2,083 86
		15	1,656 75	308 37	19 85	142 46	470 68	1,186 07
Moneka	Sept. 12	39	4,661 21	916 25	81 96	505 29	1,503 50	3,157 71
Moneka	Sept. 12	65	6,031 93	939 59	218 79	746 75	1,905 13	4,126 80
		3	278 40	43 37	10 10	34 47	87 94	190 46
		2	185 60	28 91	6 73	22 97	58 61	126 99
		4	371 20	34 45	13 46	45 95	93 86	277 34
		2	185 60	17 22	6 73	22 97	46 92	138 68
		2	185 60	61 15	6 73	22 97	90 85	94 75
Constellation	Sept. 8	358	66,635 92	1,279 30	1,271 72	2,880 04	5,431 06	61,204 86
A. B. Cook	Sept. 8	310	50,934 95	1,107 78	1,040 54	2,221 55	4,369 87	46,565 08
Enchantress	Oct. 13	206	104,495 41	736 00	663 09	4,224 00	5,623 09	98,872 32
....do	.....	260	58,670 67	929 00	836 91	2,768 65	4,534 56	54,136 11
.....	.....	2,462½	490,734 87	.....	.....	.....	68,187 02	422,547 85

* Hughes, Denver & Peck. † J. D. Munnerlyn.

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VIII.—*Statement of captured cotton collected in the ninth special agency subsequent to June 1, forwarded to and sold by Simeon Draper.*

From whom collected.	Where collected.	By whom collected or shipped.	When received.	No. of bales received.	No. of bales to New York.	No. of bales to New Orleans.	Date of shipment.
			1865.				1865.
	Selma	J. P. Nimmo	June 11	300	194	....	Aug. 3
	do	do	June 11	....	....	106	.....
	Demopolis	C. W. Dustan	June 13	200	200	....	July 28
	Gainesville	Lieutenant Whitesides, acting quartermaster.	June 15	118	118	....	July 28
	do	D. C. Green, Alabama	June 13	141	141	....	July 28
	Demopolis	C. W. Dustan	June 16	94	....	94	.....
	do	do	June 16	4	4	....	Aug. 3
	do	do	June 16	2	2	....	July 28
	Selma	J. P. Nimmo	June 17	67	67	....	Aug. 3
	Millwood	W. B. Drake	June 19	26	26	....	Aug. 3
	Eastport	W. T. Dubois	June 19	1	1	....	July 28
B. O Tayloe	Demopolis	C. W. Dustan	June 19	57	57	....	Aug. 3
	do	do	June 19	21	21	....	July 28
	Montgomery	J. Y. Clopper	June 20	473	473	....	Aug. 3
	Gainesville	Lieutenant Whitesides, acting quartermaster.	June 21	31	31	....	Aug. 3
	Selma	J. P. Nimmo	June 24	100	100	....	Aug. 3
	Wilcox County	W. J. Stoddard	June 24	59	59	....	Aug. 3
	Gainesville	Lieutenant Whitesides, acting quartermaster.	June 26	33	33	....	Aug. 3
	Montgomery	J. Y. Clopper	June 27	55	55	....	Aug. 3
	do	do	June 27	31	31	....	Aug. 3
	Selma	J. P. Nimmo	June 27	136	136	*	Aug. 3
	Demopolis	C. W. Dustan	June 25	100	....	100	.....
	Selma	J. P. Nimmo	July 1	179	179	....	Aug. 3
	do	Lieut. Commander Farrand	July 3	26	26	....	Aug. 3
	Montgomery	J. Y. Clopper	July 5	50	50	....	Aug. 3
	Selma	J. P. Nimmo	July 5	271	271	....	Sept. 30
	Moscow	W. T. Dubois	July 5	162	162	....	Aug. 3
		G. P. Floyd	July 3	13	13	....	Aug. 3
	Demopolis	C. W. Dustan	July 5	11	11	....	Aug. 3
	Montgomery	J. Y. Clopper	July 5	40	40	....	Aug. 3
	do	do	July 8	26	26	....	Aug. 3
	Demopolis	C. W. Dustan	July 8	4	4	....	Aug. 3
	Selma	J. P. Nimmo	July 10	20	20	....	Aug. 3
	Gainesville	D. C. Green	July 11	28	28	....	Aug. 3
	Demopolis	C. W. Dustan	July 14	21	21	....	Aug. 3
		Provost Marshal	July 16	5	5	....	Aug. 3
	Wilcox County	W. J. Stoddard	July 20	9	9	....	Sept. 30
		Atkinson	July 20	20	20	....	Aug. 3
		do	July 20	10	10	....	Aug. 3
	Montgomery	J. W. McClure	July 22	22	22	....	Aug. 3
	Gainesville	D. C. Green	July 22	211	211	....	Aug. 3
	Apalachicola	W. H. Nobles	July 24	264	264	....	Aug. 3
	Montgomery	J. W. McClure	July 26	22	22	....	Aug. 3
	Selma	J. P. Nimmo	July 27	100	100	....	Sept. 30
	Gainesville	D. C. Green	July 27	40	40	....	Aug. 3
	do	do	July 27	5	5	....	Aug. 3
	do	do	July 27	288	288	....	Aug. 3
	Montgomery	J. W. McClure	July 28	23	23	....	Aug. 3
	do	do	July 30	33	33	....	Aug. 3
	Selma	J. P. Nimmo	Aug. 1	151	151	....	Aug. 3
	Columbus	L. Ellis	Aug. 2	12	12	....	Sept. 30
	Selma	C. W. Dustan	Aug. 3	11	11	....	Aug. 3
	Lowndes and Butler Counties.	J. W. McClure	Aug. 3	11	11	....	Aug. 3
	Demopolis	D. C. Green	Aug. 4	198	198	....	Nov. 6
	Wilcox County	W. J. Stoddard	Aug. 9	129	129	....	Sept. 30
	Knoxville	J. W. McClure	Aug. 10	60	60	....	Sept. 30
	Selma	J. P. Nimmo	Aug. 14	90	90	....	Aug. 3
	Mobile		.....	11	11	....	Aug. 3
	Montgomery	J. W. McClure	Aug. 14	16	16	....	Sept. 30
	Gainesville	A. A. Winston	Aug. 14	15	15	....	Sept. 30
	Montgomery	J. W. McClure	Aug. 16	23	23	....	Sept. 30
	Gainesville	A. A. Winston	Aug. 16	8	8	....	Sept. 30
	do	do	Aug. 18	1	1	....	Sept. 30
	Williamson's Landing.	J. M. Magee	Aug. 20	27	27	....	Sept. 30
	Montgomery	J. W. McClure	Aug. 21	26	26	....	Sept. 30
	Elm Bluff and Coleman's Landing.	J. P. Nimmo	Aug. 26	129	129	....	Sept. 30

* Sold at Mobile

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1865, under T. C. A. Dexter and J. M. Tomeny, supervising special agents, Mobile, Ala., and United States cotton-agent at New York.

Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Mobile.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds released by Secretary of Treasury to John Duncan, December 20, 1866.	Proceeds in Treasury.
	1865.								
J. U. Brookman	Oct. 20	194	$39,327 58	$5,263 40	$1,575 50	$972 91	$7,811 81	.....	$31,515 77
.....	.....	106	14,114 04	3,243 56	.....	211 71	3,455 27	.....	10,658 77
M. Rogers	Sept. 8	200	30,953 94	8,921 28	1,402 38	1,136 47	11,460 13	.....	19,493 81
S. Duncan	Sept. 8	118	18,347 28	4,511 35	834 21	483 93	5,829 49	$3,495 77	9,022 02
.....do	Sept. 8	141	21,923 45	5,770 73	996 81	578 26	7,345 80	4,177 15	10,400 50
.....	.....	94	12,516 22	4,749 96	.....	187 74	4,937 70	.....	7,578 52
Tamerlane	Sept. 22	4	657 24	178 00	27 05	17 58	222 63	.....	434 61
S. Duncan	Sept. 8	2	310 97	89 00	14 14	8 20	111 34	.....	199 63
J. U. Brookman	Oct. 20	67	13,582 20	1,803 06	544 11	336 05	2,683 22	.....	10,898 98
.....do	Oct. 20	26	5,270 71	715 30	211 15	130 39	1,056 84	.....	4,213 87
S. Duncan	Sept. 8	1	155 49	27 51	7 07	4 10	38 68	.....	116 81
J. U. Brookman	Oct. 20	57	11,555 01	857 33	462 90	285 86	1,606 09	.....	9,948 92
S. Duncan	Sept. 8	21	3,265 20	997 74	148 46	86 12	1,232 32	.....	2,032 88
J. U. Brookman	Oct. 20	473	95,886 31	18,270 58	3,841 25	2,372 12	24,483 95	.....	71,402 36
.....do	Oct. 20	31	6,284 30	813 88	251 75	155 46	1,221 09	918 38	4,144 83
Tamerlane	Sept. 22	100	16,431 03	3,575 00	676 13	439 35	4,690 48	.....	11,740 55
J. U. Brookman	Oct. 20	59	11,960 45	2,728 75	479 15	295 89	3,503 79	.....	8,456 66
Tamerlane	Sept. 22	33	5,422 24	1,196 25	223 12	144 98	1,564 35	977 63	2,880 26
.....do	Sept. 22	55	9,037 07	2,323 75	371 87	241 65	2,937 27	.....	6,099 80
.....do	Sept. 22	31	5,093 62	1,309 75	209 60	136 20	1,655 55	.....	3,438 07
.....do	Sept. 22	136	22,346 20	4,862 00	919 53	597 52	6,379 05	.....	15,967 15
.....	.....	100	13,315 13	5,633 00	.....	199 74	5,832 74	.....	7,482 39
Tamerlane	Sept. 22	179	29,411 54	6,399 00	1,210 27	786 43	8,395 70	.....	21,015 84
.....do	Sept. 22	26	4,272 07	722 00	175 80	114 23	1,012 03	.....	3,260 04
.....do	Sept. 22	50	8,215 51	2,115 00	338 06	219 67	2,672 73	.....	5,542 78
Philadelphia	Nov. 3	271	49,417 02	9,690 00	1,973 10	1,244 01	12,907 11	.....	36,509 91
Tamerlane	Sept. 22	162	26,618 27	6,150 00	1,095 32	711 74	7,957 06	.....	18,661 21
.....do	Sept. 22	13	2,136 03	904 00	87 90	57 07	1,048 97	.....	1,087 06
.....do	Sept. 22	11	1,807 41	615 00	74 37	48 33	737 70	.....	1,069 71
.....do	Sept. 22	40	6,572 41	1,650 00	270 45	175 74	2,096 19	.....	4,476 22
.....do	Sept. 22	26	4,272 07	1,053 00	175 80	114 23	1,343 03	.....	2,929 04
.....do	Sept. 22	4	657 24	240 00	27 05	17 58	284 63	.....	372 61
.....do	Sept. 22	20	3,286 20	740 00	135 22	87 87	963 09	.....	2,323 11
.....do	Sept. 22	28	4,600 69	1,680 00	189 30	123 01	1,992 31	.....	2,608 38
.....do	Sept. 22	21	3,450 52	1,260 50	142 00	92 26	1,494 76	.....	1,955 76
.....do	Sept. 22	5	821 55	100 00	33 80	21 97	155 77	.....	665 78
Philadelphia	Nov. 3	9	1,641 16	512 48	65 53	41 32	619 33	.....	1,021 83
S. S. Davis	Nov. 14	26	3,156 66	1,126 26	149 97	76 19	1,352 42	.....	1,804 24
Tamerlane	Sept. 22	10	1,643 10	563 00	67 62	43 95	674 57	.....	968 53
.....do	Sept. 22	22	3,614 82	792 00	148 74	96 66	1,037 40	.....	2,577 42
.....do	Sept. 22	211	34,669 47	11,710 50	1,426 63	927 04	14,064 17	.....	20,605 30
S. S. Davis	Nov. 14	264	41,667 87	7,700 22	1,979 68	1,005 76	10,685 66	.....	30,982 21
Tamerlane	Sept. 22	22	3,614 82	792 00	148 74	96 66	1,037 40	.....	2,577 42
Philadelphia	Nov. 3	100	18,235 07	4,382 16	728 08	459 04	5,569 28	.....	12,665 79
S. L. Davis	Nov. 14	40	6,313 32	2,145 60	299 95	152 39	2,597 94	.....	3,715 38
Tamerlane	Sept. 22	5	821 55	277 50	33 80	21 97	333 27	.....	488 28
S. L. Davis	Nov. 14	285	45,455 86	15,448 20	2,159 65	1,097 21	18,705 06	4,117 15	22,633 65
....do	Nov. 14	23	3,630 16	762 63	172 47	87 62	1,022 72	.....	2,607 44
....do	Nov. 14	33	5,208 49	1,131 63	247 46	125 73	1,504 82	.....	3,703 67
....do	Nov. 14	151	23,832 76	7,144 81	1,132 30	575 28	8,852 39	.....	14,980 37
Philadelphia	Nov. 3	12	2,188 21	457 14	87 37	55 08	599 59	.....	1,588 62
S. L. Davis	Nov. 14	11	1,736 16	576 53	82 49	41 90	700 92	.....	1,035 24
....do	Nov. 14	11	1,736 16	372 81	82 49	41 90	497 20	.....	1,238 96
Tarbox	Dec. 28	198	27,447 05	7,105 15	1,459 72	1,040 00	9,604 87	5,865 79	11,976 39
Philadelphia	Nov. 3	129	23,523 25	12,673 02	939 22	642 17	14,254 41	.....	9,268 84
....do	Nov. 3	60	10,941 05	3,252 30	436 85	275 43	3,964 58	.....	6,976 47
S. L. Davis	Nov. 14	90	14,204 96	4,774 62	674 89	342 87	5,792 38	.....	8,412 58
....do	Nov. 14	11	1,736 16	440 00	82 49	41 40	563 89	.....	1,172 27
Philadelphia	Nov. 3	16	2,917 61	532 08	116 49	73 44	722 01	.....	2,195 60
....do	Nov. 3	15	2,735 26	799 83	109 20	68 85	977 88	.....	1,757 38
....do	Nov. 3	23	4,194 06	742 05	167 46	105 58	1,015 09	.....	3,178 97
....do	Nov. 3	8	1,458 80	423 26	58 25	36 72	518 23	.....	940 57
....do	Nov. 3	1	182 35	53 35	7 28	4 59	65 22	.....	117 13
....do	Nov. 3	27	4,923 47	1,062 45	196 58	123 94	1,382 97	.....	3,540 50
....do	Nov. 3	26	4,741 12	1,127 10	189 30	119 35	1,435 75	.....	3,305 37
....do	Nov. 3	129	23,523 25	8,234 39	939 22	642 17	9,815 78	.....	13,707 47

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VIII.—*Statement of captured cotton collected in*

From whom collected.	Where collected.	By whom collected or shipped.	When received.	No. of bales received.	No. of bales to New York.	No. of bales to New Orleans.	Date of shipment.
			1865.				1865.
	Gainesville	A. A. Winston	Aug. 28	58	58	....	Nov. 9
	.....do	.....do	Aug. 28	155	155	....	Sept. 30
	.....do	.....do	Sept. 1	30	30	....	Sept. 30
	Benton	S. O. Smith	Sept. 5	80	80	....	Sept. 30
	Wilcox County	Goldthwaite & Oliver	Sept. 6	7	7	....	Dec. 12
	Gainesville	A. A. Winston	Sept. 7	30	30	....	Nov. 6
		C. A. Stevens	Sept. 7	7	7	....	Nov. 6
	Greenville	J. W. McClure	Sept. 8	9	9	....	Nov. 6
	Montgomery	.....do	Sept. 9	45	45	....	Nov. 6
	.....do	.....do	Sept. 11	5	5	....	Sept. 30
	.....do	.....do	Sept. 11	4	4	....	Dec. 12
	Ellis Landing	John Ellis	Sept. 14	73	73	....	Dec. 14
	Selma	W. L. Duff	Sept. 14	70	70	....	Nov. 6
	Demopolis	E. D. Montague	Sept. 13	93	80	....	Dec. 12
	.....do	.....do	Sept. 25	62	62	....	Dec. 14
	.....do	.....do	Sept. 27	259	256	....	Dec. 12
	Gay's Landing	J. M. Megee	Sept. 28	50	50	....	Dec. 14
		Str. Marengo	.....	25	25	....	Dec. 12
	Wilcox County	Goldthwaite & Oliver	Sept. 30	25	25	....	Dec. 12
	Dear's Landing	C Dear	Sept. 30	9	9	....	Sept. 30
	Gainesville	A. A. Winston	Oct. 3	47	47	....	Jan. 12
	.....do	.....do	Oct. 3	135	135	....	Dec. 12
	McIntosh Bluff	J. M. G. Parker	Oct. 3	2	2	....	Dec. 12
	Wreck of Lily	J. M. Magee	Oct. 3	17	17	....	Dec. 12
							1866.
	Carson's Landing	Goldthwaite & Oliver	Oct. 4	30	24	....	Jan. 12
							1865.
	Demopolis	E. D. Montague	Oct. 5	41	41	....	Nov. 6
	Wilcox County	W. J. Stoddard	Oct. 6	8	5	....	Dec. 12
	Tuscahoma	Thad. P. Malt	Oct. 11	1	1	....	Dec. 12
							1866.
	Demopolis	M. A. Lyon	Oct. 12	15	15	....	Jan. 12
							1865.
	Tuscahoma	Thad. P. Malt	Oct. 13	3	3	....	Dec. 12
							1866.
	Prairie Bluff	Goldthwaite & Oliver	Oct. 14	6	5	....	Jan. 12
							1865.
	Gainesville	A. A. Winston	Oct. 17	1	1	....	Dec. 12
	....do	.....do	Oct. 17	40	40	....	Dec. 14
	Montgomery	J. W. McClure	Oct. 27	11	10	....	Dec. 12
	Mobile		Nov. 4	105	105	....	Nov. 11
							1866
	Tuscaloosa	H. E. Witherspoon	Nov. 16	31	31	....	Jan. 19
							1865.
	Gainesville	A. A. Winston	Oct. 31	376	376	....	Dec. 7
							1866.
	....do	.....do	Oct. 17	27	27	....	Feb. 7
	....do	.....do	Oct. 17	3	3	....	Feb. 7
	Evergreen	S. M Lanair	Dec. 1	18	18	....	Jan. 19
W. Brownrigg	Demopolis	A. H. Lazare	Dec. 8	16	16	....	Feb. 7
	Bridgeport	W. W. Moore	Dec. 15	15	15	....	Jan. 19
	Gainesville	A. A. Winston	Dec. 12	372	372	....	Jan. 17
	....do	.....do	Dec. 12	373	373	....	Jan. 17
	....do	.....do	Dec. 12	48	48	....	Jan. 12
	....do	.....do	Dec. 12	109	109	....	Jan. 13
	Tuskegee	A. H. Lazare	Dec. 21	87	87	....	Feb. 7
	....do	.....do	Dec. 21	61	61	....	Mar. 2
			1866.				
Daniel McLane	Buford's Landing	J. B. Bingham	Jan. 10	11	11	....	Feb. 7
	Mobile	A. D. Banks	Jan. 10	33	33	....	Feb. 7
	Demopolis	F. Salter	Jan. 11	49	49	....	Feb. 7
	Macon	James & Ally	Jan. 15	205	205	....	Mar. 2
	....do	.....do	Jan. 15	21	21	....	Mar. 17
B. O. Tayloe	Mobile		Feb. 9	50	50	....	May 12
	....do		.....	159	159	....	Jan. 12

* Released April 12, 1866, to W. M. Smith.

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he ninth special agency, &c.—Continued.

Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.	Expenses to and at Mobile.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Proceeds released by Secretary of Treasury to John Duncan, December 20, 1866.	Proceeds in Treasury.
	1865.								
Elizabeth	Dec. 28	58	$8,286 26	$3,224 50	$422 49	$302 17	$3,949 16	.....	$4,337 10
Philadelphia	Nov. 3	155	28,264 35	7,947 53	1,128 50	711 52	9,787 55	.....	18,476 80
....do	Nov. 3	30	5,470 52	1,614 27	218 42	137 72	1,970 41	.....	3,500 11
....do	Nov. 3	80	16,229 21	4,881 19	648 00	408 55	5,937 74	.....	10,291 47
	1866.								
Fanny Foulkes	May 10	7	593 50	280 00	41 91	43 51	365 42	.....	228 08
	1865.								
Tarbox	Dec. 28	30	4,158 65	1,200 00	221 17	157 58	1,578 75	.....	2,579 90
....do	Dec. 28	7	970 35	280 00	51 61	36 77	368 38	.....	601 97
....do	Dec. 28	9	1,247 59	360 00	66 35	47 27	473 62	.....	773 97
....do	Dec. 28	45	6,237 97	1,800 00	331 76	236 36	2,368 12	.....	3,869 85
Philadelphia	Nov. 3	5	911 75	174 10	36 40	22 96	233 46	.....	678 29
	1866.								
Fanny Foulkes	May 10	4	339 14	160 00	23 94	24 87	208 81	.....	130 33
Loch Lomond	Mar. 2	73	7,753 49	2,920 00	458 36	371 23	3,749 59	.....	4,003 90
	1865.								
Tarbox	Dec. 28	70	9,703 51	2,800 00	516 06	367 72	3,683 78	.....	6,019 73
	1866.								
Fanny Foulkes	May 10	80	6,782 81	3,200 00	478 96	497 26	4,176 22	.....	2,606 59
Loch Lomond	Mar. 2	62	6,585 15	2,480 00	389 29	315 29	3,184 58	.....	3,400 57
Fanny Foulkes	May 10	256	21,704 96	10,240 00	1,532 68	1,288 66	13,061 34	.....	8,643 62
Loch Lomond	Mar. 2	50	5,310 60	2,500 00	313 94	254 27	3,068 21	.....	2,242 39
Fanny Foulkes	May 10	25	2,119 62	650 00	149 67	155 39	955 06	.....	1,164 56
....do	May 10	25	2,119 62	650 00	149 68	155 40	955 08	*$1,164 54	.....
	1865.								
Philadelphia	Nov. 3	9	1,641 16	369 00	65 53	41 32	475 85	.....	1,165 31
Annie Lewis	.....	47	5,002 09	1,880 00	361 18	238 33	2,479 51	.....	2,522 58
	1866.								
Fanny Foulkes	May 10	135	11,445 98	5,400 00	808 25	839 13	7,047 38	.....	4,398 60
....do	May 10	2	169 57	80 00	11 97	12 43	104 40	.....	65 17
....do	May 10	17	1,441 34	680 00	101 78	105 67	887 45	.....	553 89
Annie Lewis	May 25	24	2,554 26	960 00	184 43	121 70	1,266 13	.....	1,288 13
Nellie Tarbox	Dec. 28	41	5,683 48	1,684 38	302 27	155 35	2,142 00	.....	3,541 48
Fanny Foulkes	May 10	5	423 92	200 00	29 94	31 08	261 02	.....	162 90
....do	May 10	1	84 78	40 00	5 99	6 21	52 20	.....	32 58
Annie Lewis	May 25	15	1,596 41	600 00	115 27	76 06	791 33	.....	805 08
Fanny Foulkes	May 10	3	254 35	122 40	17 96	18 65	159 01	.....	95 34
Annie Lewis	May 25	5	532 14	200 00	38 42	25 35	263 77	.....	268 37
Fannie Foulkes	May 10	1	84 78	40 00	5 99	6 21	52 20	.....	32 58
Loch Lomond	Mar. 2	40	4,248 49	1,600 00	251 15	203 42	2,054 57	.....	2,193 92
Fannie Foulkes	May 10	10	847 84	400 00	59 87	62 16	522 03	.....	325 81
Tempest	Sept. 12	41	5,179 40	1,640 00	362 08	550 17	2,552 25	.....	2,627 15
Neponsett	Mar. 15	31	3,304 27	1,328 28	187 94	187 12	1,703 34	.....	1,600 93
American Union	June 20	376	43,613 75	9,415 00	3,057 97	2,421 27	14,894 24	11,139 07	17,580 44
Sallie B	May 25	27	2,411 21	736 95	151 47	189 37	1,077 79	.....	1,333 42
Iza	May 25	3	256 37	48 85	18 38	27 29	94 52	.....	161 85
Neponsett	Mar. 15	18	1,918 60	648 31	109 16	108 68	866 15	.....	1,052 45
Iza	May 25	16	1,367 30	147 52	98 05	145 46	391 03	.....	976 27
Neponsett	Mar. 15	15	1,508 85	333 83	90 94	90 58	515 35	.....	1,083 50
Philadelphia	Apr. 13	372	35,147 66	14,880 00	2,877 79	2,297 13	20,054 92	6,829 80	8,262 94
Neponsett	Mar. 15	373	39,761 23	14,920 00	2,263 51	1,853 89	19,037 40	6,848 18	13,875 65
Annie Lewis	May 25	48	5,108 51	1,920 00	320 54	360 17	2,600 71	881 30	1,626 50
Perit	Mar. 15	109	12,221 86	4,360 00	772 71	661 85	5,794 56	2,001 20	4,426 10
Iza	Oct. 19	87	7,434 60	2,285 06	533 14	790 95	3,609 15	.....	3,825 45
M. E. Kellenger	Sept. 12	61	5,443 64	3,768 62	319 43	566 70	4,654 75	.....	788 89
Iza	May 25	11	940 01	304 50	67 41	98 92	470 83	.....	469 18
....do	May 25	33	2,820 02	458 25	202 22	300 01	960 48	.....	1,859 54
Sallie B	May 25	49	4,375 92	2,389 60	274 88	343 76	3,008 24	.....	1,367 68
Eutaw	July 20	205	5,636 55	3,535 56	775 01	1,325 98	5,636 55	.....	.....
Wave Crest	July 20	21	372 61	115 62	94 10	162 89	372 61	.....	.....
Nellie Tarbox	Sept. 12	50	2,702 68	722 74	149 40	400 15	1,272 29	.....	1,430 39
Annie Lewis	May 25	159	16,921 96	2,726 85	1,222 86	1,059 09	5,008 80	.....	11,913 16

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VIII.—*Statement of captured cotton collected in*

From whom collected.	Where collected.	By whom collected.	By whom shipped.	No. of bales received.	No. of bales to contractor.	No. of bales to New York.	Date of shipment.	Vessel.	No. of bales sold.
							1866.		
E. S. Ott	Eufaula, Ala	J. C. Smith	H. Page, assistant special agent, Apalachicola, Fla.	19					
Jno. McNab	do	do		30					
Jno. M. Raiford	do	do		41					
J. G. McLendon	do	do		30					
M. A. Bronson	do	do		20					
Samuel Eberhart	do	do		17					
J. H. Dent	do	do		8					
J. C. McRae	do	do		40					
J. C. Russell	do	do		27					
Alex. Turner	do	do		8					
Jas. G. Tyson	do	do		50					
Wm. M. Bates	do	do		20					
W. M. Bates	do	do		12					
A. C. Mitchell	do	do		50					
Jas. T. Flewellen	do	do		8					
R. D. Thornton	do	do		80	144	171	Jan. 30	S. D. Thurston	171
A. T. Miller	do	do		6	....	253	Mar. 6	F. Marion	253
Thos. H. Beachaunt.	do	do		1					
Geo. M. Bates	do	do		1					
M. C. Davis	do	do		8					
E. McNeiss	do	do		1					
D. Pascal	do	do		4					
G. H. Thompson	do	do		18					
Levi R. Wilson	do	do		5					
J. H. Dent	do	do		24					
Do	do	do		2					
Joel Hermiter	do	do		8					
Blockade cotton	do	do		4					
Do	do	do		5					
Do	do	do		21					
J. H. Dent	Apalachicola, Fla.	do		1	.....	1	Mar. 6	F. Marion	1
	Franklin, Ala.	D. C. Anthony		52					52
	do	do		39	....	139	Jan. 30	S. D. Thurston.	39
	Tallahassee, Fla.	J. H. Alexander.		48					48
	Eufaula, Ala	D. C. Anthony.		81					
	do	do		200	....	443	Jan. 30	S. D. Thurston.	488
	do	do		200	....	45	Mar. 6	F. Marion	
	do	do		62	55	(*)	.....	.....	....
W. H. Thornton	do	S. E. Ogden & Co		7					
Henry Hurt	do	do		35					
Junius Jordan	do	do		2					
J. M. Raiford	do	do		59					
Levi R. Wilson	do	do		11					
Samuel Eberhart	do	do		8					
Matthew Lassiter	do	do		16					
Jno. McNab	do	do		45					
J. Pow	do	do		25	85	257	Mar. 6	F. Marion	257
M. C. Davis	do	do		7					
E. S. Ott	do	do		31					
J. G. McLendon	do	do		10					
M. A. Bronson	do	do		20					
Blockade cotton	do	do		24					
W. H. Thornton	do	do		20					
Wm. Averett	do	do		6					
Do	do	do		6					
Blockade cotton	do	do		5					
Do	do	do		5					
Total in the ninth agency									9,712

* Lost.

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the ninth special agency, &c.—Continued.

Gross proceeds.	Expenses to and at Apalachicola.	Freight to New York.	Expenses at New York.	Paid for collecting, information, &c.	Total expenses.	Proceeds released by the Secretary of the Treasury in 1866. To whom released.	Amount released.	Proceeds in the Treasury.
						.....	.....	
						Jno. M. Raiford..	$4,450 29	
						Edw. H. Wilson..	2,170 87	
						Geo. P. Swift	1,845 24	
						Jno. McNab	868 35	
						Geo. P. Swift	3,630 00	
						....do	868 35	
						Mary Cassin, executrix.	6,759 53	
						Edw. H. Wilson..	1,845 24	
						....do	1,302 52	
						A. C. Mitchell...	5,427 18	
$27,171 51	$6,284 99	$1,378 83	$363 39	.....	$8,527 21	Paran Stevens et al.	10,423 20	$2,461 50
44,757 70	8,927 71	3,331 97	1,480 50	.....	13,740 18	.....	.....	
						W. Brannan and J. Jordan.	81 41	
						D. Pascal.....	539 88	
						Geo. H. Thompson	1,953 78	
						Young, Woods & Gardner.	671 24	
						J. H. Dent.....	3,226 05	
						....do	268 84	
						Jno. McNab	868 35	
176 91	13 17	13 17	5 85	$36 18	68 37	Jno. McNab	108 54	.....
8,262 68	443 97	419 29	262 55	†1,492 79	2,618 60	Car. Glenn & Wright.	5,644 08	.....
6,197 01	332 37	314 47	196 91	†1,119 60	1,963 35	Theodore J. Hughes.	4,233 66	.....
7,627 09	960 00	387 04	242 36	.....	1,589 40	.....	.....	6,037 69
78,352 56	24,264 85	4,164 69	2,500 05	‡16,884 05 †14,009 26	61,822 90	.....	.....	16,529 66
.....	.....	.....	.....	.....	.....	.....	.....	.....
						Geo. P. Swift	941 12	
						Henry Hurt.....	3,799 03	
						J. Jordan and W. Brannan.	162 80	
						J. M. Raiford....	6,404 07	
						Geo. P. Swift	1,193 98	
						....do	868 35	
45,465 34	9,445 85	3,384 65	1,503 96	.....	14,334 41	J. Pow	3,361 12	9,540 70
						Edw. H. Wilson..	2,170 87	
						W. H. Thornton.	2,688 89	
1,412,335 68	.....	.....	.....	.....	540,962 38	.....	127,192 79	744,180 51

† D. C. Anthony. ‡ Hughes. Denver & Peck.

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IX.—*Statement of captured cotton collected by various agents subsequent to June 1, 1865,*

From whom collected.	Where collected.	By whom collected.	No. of bales collected.	When received.	Vessel.	Date of sale.	No. of bales sold.	Gross proceeds.
				1866.		1866.		
Dennistoun & Co.	Georgia	J. R. Willett. J. C. Savery	2,473	Feb. — Mar. —			2,473	$229,13[illegible]
	Savannah, Ga.	H. H. Cole	20	Jan. 6	New Light	May 25	20	2,840 [illegible]
		L. H. Perrin	5	Feb. 13		Sept. 12	5	576 [illegible]
	Louisville, Ky.	W. D. Gallagher	20	Apr. 6		July 20 1867.	20	2,500 [illegible]
Agent of State of North Carolina.	New York	S. Draper	175	Apr. 16		Apr. 4 1866.	175	15,883 [illegible]
	Tuskegee, Ala.	A. H. Lazare	226	Apr. 17	Guiding Star	Sept. 12	226	26,230 [illegible]
Carswell	Macon, Ga.	W. W. Garrard.	244	Apr. 21		Sept. 12	244	36,255 [illegible]
	do	H. B. Titus	10	Sept. 10	Alabama	Oct. 19	10	1,267 [illegible]
Silcox	Augusta, Ga.	J. C. Savery	205		San Jacinto	Feb. —	205	40,841 [illegible]
Total							3,378	416,229 [illegible]

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and forwarded to and sold by Simeon Draper, United States cotton-agent at New York.

Freight and other expenses.	Expenses at New York, including litigation, sales, &c.	Expenses at New York, including commissions to agents.	Total expenses.	Paid for legal and other services.		Proceeds released by Secretary of Treasury.		Proceeds in Treasury.
				To whom.	Amount.	To whom.	Amount.	
$148,681 45	$42,451 58	.....	$191,133 03	F. Smith Man & Parsons. S. G. Courtney. C. Cushing Hughes, Denver & Peck. C. Eames	$18,000 1,000 2,000 2,000 11,000 5,000	Dennistoun & Co	$59,000	.....
959 28	.....	$75 12	1,034 40	.....	.....	.....	.....	$1,805 62
46 00	.....	98 04	144 04	.....	.....	.....	.....	432 42
105 75	.....	170 87	276 62	.....	.....	.....	.....	2,223 96
5,343 43	.....	1,969 93	7,313 36	F. Smith	2,500	.....	.....	6,070 11
9,822 17	.....	1,444 30	11,266 47	.....	.....	.....	.....	14,964 50
5,460 12	.....	3,046 49	8,506 61	.....	.....	W. S. Lightfoot	1,420	27,029 37
.....	.....	113 40	113 40	.....	.....	.....	.....	1,154 48
3,728 81	.....	2,058 39	5,787 20	Hughes, Denver & Peck.	12,808	.....	.....	22,246 24
174,147 01	42,451 58	8,976 54	225,575 13	.....	54,308	.....	60,420	75,926 70

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Recapitulation of statements of captured cotton collected subsequent to June 1, 1865, sold, and the proceeds paid into the Treasury.

Number of statement.	Agencies.	Number of bales sold.	Gross proceeds.	Total expenses.	Proceeds released.	Proceeds in Treasury.
I	First	5,697	$750,702 68	$209,338 58	$87,511 24	$453,852 86
II	Second	20,240	2,881,589 90	705,622 47	289,576 92	1,886,390 51
III	Third	6,375	838,043 92	232,487 94	38,869 12	566,686 86
IV	Fourth	1,170	175,075 16	40,826 13	.....	134,249 03
V	Fifth	2,205	351,601 97	51,565 51	.....	300,036 46
VI	Sixth	2,398½	334,361 92	31,561 70	.....	302,800 22
VII	Eighth	2,462½	490,734 87	68,187 02	.....	422,547 85
VIII	Ninth	9,712	1,412,335 68	540,962 38	127,192 79	744,180 51
IX	Various	3,378	416,229 83	279,883 13	60,420 00	75,926 70
Total		33,638	7,650,675 93	2,160,434 86	603,570 07	4,886,671 00

X.—*List of claims for the proceeds of cotton, filed in the Treasury Department under the act of May 18, 1872.*

Name of State.	Number of claims.	Number of bales claimed.
North Carolina	5	107
South Carolina	21	1,735
Florida	2	520
Tennessee	2	395
Georgia	37	9,064
Alabama	339	23,569
Mississippi	463	32,444
Louisiana	260	22,525
Arkansas	99	20,639
Texas	108	25,769
Total	1,336	136,168

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
NORTH CAROLINA.		
Arnold W. Chilson's executor	25	July 15, 1865.
Alanson Capehart	23	After Lee's surrender.
James F. A. Lamond	42	July 2, 1865.
Thomas Sellars	2	July 10, 1865.
B. A. Sellars	15	Do.
SOUTH CAROLINA.		
David W. Bethea	40	
Usher P. Bonney	93	August 15, 1865.
R. S. Crockett & J. H. Stroud's assignee in bankruptcy	103	December 21, 1865.
Martha M. Firthburne	3	August 15, 1865.
Alexander W. Holmes	60	October 13, 1865.
Francis H. Kennedy	28	September 20, 1865.
Andrew I. Moses	9	August or September, 1865.
John McDonald *et al*	60	October, 1865.
D. W. McRae	6	November 1, 1865.
Benjamin Mordecai	210	October, 1865.
William J. Norris	16	September 15, 1865.
Plandolit & Co	220	January, 1866.
P. Hamilton Roger's administratrix	46	October, 1865.
Nicholas S. Rogers	82	July, 1865.
Stephen Snow	8	May 10, 1867.
C. L. Slawson & W. F. Fabian	60	November, 1865.
Hamilton Slawson, jr	103	Do.
Elizabeth M. Tunno	72	March, 1866.
William M. Tunno	150	Do.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
SOUTH CAROLINA—Continued.		
Benjamin F. Williamson	288	September or October, 1865.
Samuel H. Wild's executors	100	October 26, 1865.
FLORIDA.		
William W. Cheever's administrator, (also on Georgia list)	401	Sept., Nov., and Dec., 1865.
George W. Lyons	27	November 20, 1865.
William L. Staples	100	July 7 and 14, 1865.
TENNESSEE.		
M. E. Amarine	205	July 18, 1865.
Do	190	Do.
GEORGIA.		
Nathan Bass	162	August 1, 1865.
Jeremiah Beall	709	February, 1866.
Abner Burnam's administrators	18	July or August, 1865.
Richard Bailey	3	Do.
Joel M. Chivers	20	April 4, 1866.
A. F. Cramer & Co	20	December, 1865.
W. W. Cheever's administrators	145	September, 1865.
William W. Cheever's administrator, (also on Florida list)	648	Sept., Nov., or Dec., 1865.
James F. Cummings	311	Aug. 28, 1865.
Chicora Imp. and Exp. Company	1,006	July, Aug., and Oct., 1865.
Legare, Colcock & Co	6	October 13, 1865.
John G. Crane	65	Do.
Dennistoun & Co	2,645	After June 30, 1865.
John C. Epp's administrators	18	October 10, 1865.
William Every, (also on Alabama list)	1,221	After June 30, 1865.
John J. Floyd	52	February 12, 1866.
John Fitzpatrick's administrator	24	October 2, 1865.
Julia B. Fuss	75	July 10, 1865.
Georgia, State of	31	November, 1865.
Hyatt, McBinney & Co	2	October 13, 1865.
Lucius B. Lovelace	50	
G. B. Lamar, for Imp. and Exp. Company	575	December, 1865.
Leach, Harrison & Forwood	51	October 13, 1865.
Alex. McDonald	14	October 1, 1865.
Richard D. Moore and wife	21	After June 30, 1865.
Middleton & Co	11	October 13, 1865.
C. T. Mitchell	18	Do.
R. Mure & Co	88	Do.
John W. Nevitt	30	September 1, 1865.
North Carolina, State of	175	April 4, 1866.
Do	70	January.
Do	347	August 15, 1865.
Joseph J. Pierce	115	August 28, 1865.
William Reed	32	
J. B. Ross and James Seymour	94	December 12, 1865.
George Schley's administrator	142	October 31, 1865.
A. M. Walker	50	August, 1865.
ALABAMA.		
Elbert Amason's heirs	22	July 28, 1865.
Joseph Arrington	81	July 25, 1865.
Mary I. Arrington, executrix	17	September, 1865.
John G. Allen	74	August 1, 1865.
John D. Alexander	40	August 27, 1865.
Asa Amason	42	July 22, 1865.
Thomas S. Abernathy	20	August 28, 1865.
John H. Anderson	72	August 30, 1865.
Robert W. Adams	142	July 10, 1865.
Martha Avary	12	February 8 to 15, 1866.
James A. Anderson's administrator	75	September or October, 1865.
Dr. John C. Anderson	58	Do.
William H. Atkinson	25	August 15, 1865.
Wiley Allen	4	September 3, 1865.
Gottlieb Brietling's administrators	99	July 20, 1865.
Benjamin Borden	40	September 8, 1865.
Willie Brownrigg, executor	76	December 5, 1865.
William F. Brown	15	September 20, 1865.
John Stewart Barnes	20	September 1, 1865.
Hannah Jane Buchanan	38	August 30, 1865.
Caswell S. Bray	7	August 6 or 7, 1865.
James D. Browder	200	August 28, 1865.
Jared P. Barber	8	August 1, 1865.
Andrew J. Brazelton	44	July 20, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
ALABAMA—Continued.		
L. B. Bradley	65	After June 30, 1865.
Patrick H. Burnett	70	July 15, 1865.
William P. Buntin	6	July 25, 1865.
John D. Barnes	33	August 29, 1865.
Mrs. Amanda Blocker	50	August 1, 1865.
John Bates's executor	42	Do.
Coleman Bohanan	32	July 10, 1865.
Cary W. Butt and Thomas R. Foster	33	August 8, 1865.
Evan N. Bryant	24	July 13, 1865.
S. S. Brown	3	September 1, 1865.
Charles Brock	8	August 5, 1865.
Martin Binion's executor	101	August 17, 1865.
A. H. Binion	25	Do.
Isaiah C. Browne	28	July 5, 1865.
Rufus M. Brasfield, (surviving partner)	14	September, 1865.
James Bonner	15	December 12, 1865.
Jane D. Brasfield	18	August 26, 1865.
Joseph Borden	48	August 15, 1865.
John Baskin	14	August 20, 1865.
Burrel Y. Burns	8	July 26, 1865.
David B. Bush	45	July 4, 1865.
George O. Baker	6	July 20, 1865.
Edward A. Blunt	50	July 10, 1865.
Margaret Buntin	6	August 1, 1865.
William P. Brewer	17	October, 1865.
Anderson W. Cooper	13	August 25, 1865.
Thomas K. Carson	93	August 2, 1865.
Abner M. Coleman	44	August 1, 1865.
Mrs. Rebecca Chambers	53	After June 30, 1865.
Jubal Carpenter	9	September 7, 1865.
Sanfro E. Catterline	49	August 3, 1865.
David Compton, sr	71	September 25, 1865.
Edward Curtis & Co	152	July and August, 1865.
Perry S. Carpenter	20	August 1, 1865.
Chris. S. Curtis	86	July and August, 1865.
Wiley Coleman	95	August 20, 1865.
Samuel L. Creswell	29	August 18, 1865.
Nelson A. Crawford	20	August, 1865.
William I. Cockrell	69	July 20, 1865.
Dempsey Cockrell	35	August 11, 1865.
Burwell J. Curry	48	August 1, 1865.
John Cockrell's administrator	27	August 4, 1865.
Samuel Cowins	162	September 15, 1865.
Andrew P. Calhoun's administrator	120	August 15, 1865.
Melvina B. Carpenter's administrator	30	July 25, 1865.
John W. Clements	12	October 3, 1865.
John Cocke	100	September, 1865.
William F. Cheney's administratrix	120	August 27, 1865.
Mary M. Carpenter	10	September 1, 1865.
William G. Carnathan	23	September 28, 1865.
John Curry	5	August 10, 1865.
Wiley J. Coleman's administrator	97	August 24, 1865.
W. B. Calhoun's assignee	146	August 1, 1865.
Thomas C. Clarke's assignee	109	August 25 to 29, 1865.
Isaac Croom's administratrix	457	July and August, 1865
Richard C. Davis	5	August 16, 1865.
Isaiah Du Bose's administratrix	80	August 15, 1865.
James H. Du Bose	40	September 16, 1865.
James T. Davis	9	July 29, 1865.
Thomas Daniel's administrator	20	August 5, 1865.
John Daughdrill's administrator	16	August 31, 1865.
Joseph R. Dunlap's administrator	58	August 11, 1865.
A. A. Dyer	19	July 11, 1865.
James D. Duncan	3	September, 1865.
John C. Driver's executor	120	September 1, 1865.
Thomas B. Driver	72	Do.
James L. Davis	3	October 1, 1865.
John W. Dubose	27	August, 1865.
Maria P. Dennis	5	August 20, 1865
William H. Dunlap	26	After June 30, 1865.
Martha C. Davidson	95	Do.
Joseph A. Duncan	5	August 1, 1865.
William B. Drake	295	July 7, 1865.
Abner Dill	6	August 24, 1865.
Drury Dunn's administrator	50	August 10, 1865.
Bolling Dunn's administrator	14	August 13, 1865.
John Erwin's administrator	108	September 15, 1865.
Oswell Eddins	71	July 14, 1865.
Wilson Etheridge	20	July 10, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
ALABAMA—Continued.		
Mrs. Martha J. Eddins	100	July 15, 1865.
William T. Eatman	4	July 27, 1865.
John W. Epes	51	August 19, 1865.
Richard I. Epes's executor	116	Do.
George W. Elkins	6	August, 1865.
Thomas Eatman	40	September 8, 1865.
Eagle Manufacturing Company	37	December, 1865.
William Every, (also on Georgia list)	1,152	After June 30, 1865.
Everett Eatman's administrator	20	August, 1865.
Eliz. A. Evans	128	September 18, 1865.
Simon Edwards's administrator	41	August 15, 1865.
William Foy	13	August 4, 1865.
David Foy	28	July 28, 1865.
James Forman	39	August, 1865.
Abraham Fry and Charles A. Klink	20	July 9 and 10, 1865.
Isham Fuller	5	July 12, 1865.
James G. Forster	3	July 25, 1865.
William C. Ferguson's administrator	95	August, 1865.
Alexander Monroe Gillespie	9	October 31, 1865.
L. S. Gully	50	August 1, 1865.
Williamson A. Glover	193	August and September, 1865.
George F. Glover	109	August 3, 1865.
James M. Godfrey	10	August 1, 1865.
Benjamin Edwards Grey	156	July, 1865.
T. C. Garlington	2	October 10, 1865.
Eliza W. Gould	66	August 21, 1865.
Alfred Y. Glover	44	September 16, 1865.
Bryant Gulley	10	August 26, 1865.
Basil Grant's administratrix	18	August, 1865.
Robert B. Gunn	141	August 5, 1865.
Jesse A. Gibbs	60	July 31, 1865.
Jacob Givhan's administratrix	18	September 3, 1865.
John W. Gregory's heirs	14	August 13, 1865.
James A. Gilder	6	July 30, 1865.
Caroline M. Garner	233⅓	August or September, 1865.
James Gibson	7	August 10, 1865.
John W. Garner's assignee	194	August 1, 1865.
William Goodman's transferree	13	Do.
Andrew Hosmer	39	Do.
Joseph Hanserd	46	Nov. 28, and Dec. 6, 1865.
Luther G. Houston's administrator	70	July 5, 1865.
Theodore J. Hughes	46	After June 30, 1865.
Gray Huckabee	129	September 30, 1865.
Ira Halbert	30	July 20, 1865.
Allen Hanna	56	December, 1865.
Albert G. Hudson	62	July 17, 1865.
Julia Hildreth	50	September 10, 1865.
Sarah K. Huey	19	July 18, 1865.
William T. Hendon's, sr., executors	76	September 30, 1865.
Mrs. R. W. Hill	19	September 8, 1865.
Mrs. Sallie E. Hinton	124	July 20, 1865.
William Horton	29	August 1, 1865.
John D. Horton	40	Do.
James Hair's executrix	20	Do.
William C. Head's heirs	15	October 2, 1865.
John N. Hutton	30	July 20, 1865.
George Hill's administrator	35	July 4, 1865.
Thomas H. Hawkins	39	August, 1865.
William M. Hampton	100	August 5, 1865.
Lafayette Houghton and Patrick H. Houghton	107	Do.
Tilman Hick's administrator	64	August 9, 1865.
L. H. Hudson's administrator	797	July, 1865.
Andrew Hosmer	300	July 10, 1865.
Albert T. Henley's executor and executrix	80	July 21, 1865.
Thomas J. Hill's attorney	42	July 22, 1865.
Eli M. Hood	17	July 30, 1865.
Francis M. Hill	12	October 16, 1865.
Albert P. Henley's administrator	140	August 25 to 30, 1865.
William B. Inge	25	August 20, 1865.
Allen C. Jones	100	August 18, 1865.
Robert Terry Johnson	18	September, 1865.
John L. Jeffries and Sarah F. McRee	37	July 11, 1865.
John M. Jeffries	46	July 23, 1865.
Do.	48	October 14, 1865.
Sullen D. Johnson	52	September 25, 1865
Jesse Jackson's administrator	15	August 9, 1865.
Francis H. James	20	August 20, 1865.
John B. Jones's administrator	62	Do.
Foster M. Kirksey	100	August 25, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
ALABAMA—Continued.		
Foster M. Kirksey	104	After June 30, 1865.
Bryan Kornegay's administrator	139	July and August, 1865.
Edwin W. King's administratrix	30	July 25, 1865.
Thomas Keenan	39	September 1, 1865.
R. W. B. Kennedy's heirs	24	July 30, 1865.
Thomas Knighton	21	August 12, 1865.
William L. Lepsey, assignee	101	August 3 to 15, 1865.
John T. Lang	28	August, 1865.
William Lang's executor	178	August 1, 1865.
W. G. Little, jr., *et al*	80	August, 1865.
W. G. Little	84	September 16, 1865.
Will Little	50	August 10, 1865.
Susan L. Lee	180	August 16, 1865.
Lee Lipscomb	16	July, 1865.
George G. Lyon	65	July and September, 1865
Cornelius M. Lide	30	October 30, 1865.
Philip Lightfoot's executor	144	October 1, 1865.
Philip L. Lightfoot	56	August 1, 1865.
Edw. Lawrence & Co	562	October, 1865.
Lewelin Lewis	50	July, 1865.
James M. Lee	86	August 10, 1865.
Needham Lee	7	September 1, 1865.
S. M. Lee's administrator	32	August 1, 1865.
Daniel Lee's administrator	16	September 10, 1865.
Robert Littlepage's administrator	24	August 30, 1865.
George W. Minge	116	August 31, 1865.
David Minge	107	July 31, 1865.
William L. McDow	25	August 3, 1865.
William L. McDow, sr.'s, administrator	70	Do.
Hugh McKee's administrators	57	January 9, 1866.
John Matthews's heirs	129	July 25, 1865.
Charles D. Moody	12	December 10, 1865.
William A. McAlpine	40	September 9, 1865.
U. T. McLemore's administrator	24	August 30, 1865.
Peter McLean	10	July 25, 1865.
Thomas M. Matthews	50	October 31, 1865.
Zachary M. McGehee	11	September 1, 1865.
George Morris	22	July 31, 1865.
Ulysses McAllister	40	August 18, 1865.
T. B. McCall	103	July, 1865.
Hugh McLean's heirs	20	July 22, 1865.
Thomas P. Mitchell	350	August, September, or October, 1865.
Eliza R. Milhous	20	August 1, 1865.
Frank L. Milhous	57	August 3, 1865.
B. B. McCaa's administrator	100	July 10, 1865.
Richard F. Manly	73	September 24, 1865.
Isham C. Mills	7	September 3, 1865.
Joseph H. Mayhew	14	August 1, 1865.
P. Walter Milhous	20	July 30, 1865.
Gideon E. Nelson's administrator	397	July, 1865.
A. S. Nelson's executor	187	August 29, 1865.
Wallis S. Neal's administrator	51	September 19, 1865.
George W. Noble	11	September 4, 1865.
James M. Newman, receiver of Central Bank of Alabama	203	July 20, 1865.
Anna North	40	September 6, 1865.
Mrs. C. E. Nelson, formerly C. E. DeLoach	23	August 3, 1865.
John B. Odone	100	July 6, 1865.
Thomas Ormond's executor	60	August 1, 1865.
L. Oliver	91	August 24, 1865.
Edward J. and Susan Pasteur	50	August, 1865.
Maria S. Poe	14	September 16, 1865.
Edmund Prince's administrator	90	July, 1865.
Richard R. Pickering	72	August 31, 1865.
Littleberry Pippen	50	October 1, 1865.
Robert Pickett	6	August 25, 1865.
Rebecca C. Pettigrew	24	August 29, 1865.
William H. Pippen and John P. Pippen	55	September 1, 1865.
Samuel Picken's administrator	45	September 9, 1865.
Albert E. Patterson and Joseph C. Brewer	8	December 10, 1865.
R. D. Powell	130	August 1, 1865.
Bruno P. Poellnitz	63	August 29, 1865.
Richard Potts's administratrix	237½	May 25, 1865.
John C. Phare's executrix	362	July 12, 1865.
Dr. Julius E. Poellnitz	14	August or September, 1865.
John H. Prince	53	July 3, 1865.
Richmond N. Pearson	74	August 15, 1865.
Ira Patterson's administratrix	26	July 31, 1865.
Richard M. Robertson	225	August 1, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimants.	No. of bales claimed.	Date of alleged seizure.
ALABAMA—Continued.		
Henry W. Reese	91	August 28, 1865.
Eliz. M. Riddle	30	September 1, 1865.
Joseph Rogers	35	August 1, 1865.
Reuben R. Reid	13	July 11, 1865.
Aug. J. Reese	76	August 25, 1865.
J. W. Rembert's administratrix	105	September 1, 1865.
Samuel Strudwick	232	July 15, 1865.
Joseph Selden	200	August 7, 1865.
Larkin Stewart's administrator	70	Do.
William Alexander Scott	30	July or August, 1865.
William G. Sadler	41	September, 1865.
John Scears	103	August, 1865.
John T. Stinson	156	Do.
John M. Stewart	24	October or November, 1865.
Samuel M. Scott's administrators	49	July 20, 1865.
William H. Somerville	35	September 1, 1865.
John W. Scarborough	5½	September, 1865.
Warren G. Stanton	21	August 28, 1865.
Henry A. Stollenwerck	85	August 8, 1865.
Levin A. Sledge	43	July 3, 1865.
Thomas W. Sims	23	1865 or 1866.
Abner R. Scarborough	15	August 1, 1865.
Charles W. Snoden's administrators	15	November 15, 1865.
E. G. Speight's administrator	46	August 1, 1865.
William B. Shields	20	August 3, 1865.
Lewis Simmons	100	Aug. 25 and Sept. 2, 1865.
Patrick Smith's administratrix	6	October 13, 1865.
Lewis M. Stone	50	August 16, 1865.
Richard G. Smith's heirs	15	August, 1865.
John T. Stinson, assignee of Natty Gore	20	August 20, 1865.
George W. Stone's heirs	26	August, 1865.
John R. Tompkins	6	After June 30, 1865.
Robert L. Tinker	80	August 3, 1865.
William Tinker	60	After June 30, 1865.
John Taliaferro Terry	9	September, 1865.
Willie C. Tunstall *et al*	96	September 14, 1865.
Edwin B. Tartt	7	August 2, 1865.
Susan K. Tinker	33	September 16, 1865.
B. L. Turner	50	September 1, 1865.
James I. Thornton	153	August, 1865.
Elisha Tubb	10	September 2, 1865.
James L. Terrell	300	August 2, 1865.
George P. Tayloe and George E. Tayloe	138	July, 1865.
Mary A. Tarrant	86	July 12 and 13, 1865.
John W. Tayloe	51	August 25 and 26, 1865.
Robert Taylor's heirs	63	October, 1865.
Mary L. Thatcher	200	After June 30, 1865.
Jesse Taylor	130	August 25, 1865.
George W. Tate	88	July 7, 1865.
Isaac B. Ulmer	13	August 10, 1865.
Lucy A. Vaughan	40	August and September, 1865.
R. W. Wither's administratrix	82	October 2, 1865.
Charles Walker	353	August 1, 1865.
Bryan W. Whitfield	251	July 5, 1865.
John Henry Y. Webb	117	August 8, 1865.
Josiah Wrenn	54	August 30, 1865.
Henry M. Waldron	23	After June 30, 1865.
Mary E. Westbrook	30	September, 1865.
Leonidas N. Walthall	100	September 1, 1865.
James M. Warren	48	October 20, 1865.
Lemuel F. Whitehead	50	August 16, 1865.
John T. Wolton	110	October 16, 1865.
Lem. F. Whitehead	47	August 24, 1865.
Daniel O. White	10	August 11, 1865.
Warren A. Williams	54	July 15, 1865.
Elias H. Wrenn	5	August 25, 1865.
Sallie I. Willis	32	Do.
George F. Werbon	122	April 13, 1865.
Isaac M. Wright's executrix	86	December, 1865.
Joshua B. Whitworth	8	July 12, 1865.
Thaddeus C. Watts	50	July 20 and 25, 1865.
Henry L. Williams	17	August 25, 1865.
Curtis N. Wilcox	79	August 1, 1865.
Pleasant White's executor	36	October 1, 1865.
John J. Williams	13	August 15, 1865.
Thomas J. Wilson	10	August 20, 1865.
Mary J. Wilson's administrator	15	August 21, 1865.
Gabriel B. Walker's administrator	7	August 15, 1865.
Rebecca Wier	15	August 20 to 25, 1865.
William H. Young	62	December, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
MISSISSIPPI.		
Elizabeth S. Andrews	20	August 18, 1865.
Nicholas G. Augustus's heirs	56	August 15, 1865.
Thomas W. Adams	36	September 1, 1865.
James G. Avery	8	November 1, 1865.
William B. Augustus	53	August or September, 1865.
John M. Billups	218	After June 30, 1865.
Thomas C. Billups's executors	450	Do.
N. Barnett's executor	27	September 25, 1865.
James O. Banks	363	After June 30, 1865.
Elizabeth B. Blythe	25	October 3, 1865.
Dustan Banks	305	July or August, 1865.
Richard F. Bryan's assignee, W. W. Little	6	August, 1865.
A. Brook's executor, John A. Clayton	81	August 20, 1865.
Henry Bibb's administrator, W. de B. Hooper	85	July, 1865.
Thomas N. Brookshire	26	August, 1865.
Charles Barnett	149½	Do.
William A. Blanchard's administratrix, M. E. Lenoir	45	Do.
George P. Boskin	23	August 8, 1865.
Richard Barry's executor, R. H. Barry	130	July or August, 1865.
Baylor B. Barker	19	August 25, 1865.
Mrs. Emily Bishop	34	July 11 and 20. 1865.
R. D. Brown's heirs	40	July 13 and 27, and August 3 and 19, 1865.
Andrew P. Barry	20	July 15, 1865.
Thomas B. Brooks's executrix	146	August 11, 23, and 24, 1865.
Thomas P. Barton	74	August, 1865.
Levina Ballard	34	July or August 1865.
H. O. Beasley's administratrix	67	August 28, 1865.
William G. Bankhead	136	Do.
Thomas W. Broughton	12	July 10, 1865.
Isaac Box	27	July 20, 1865.
Joab M. Brooks	32	September 15, 1865.
William Bell	51	August 27, 1865.
Charles Baskerville and Henry B. Whitfield	2,777	July 15, 1865.
Benjamin Bugg and Thomas E. Bugg	22	July 12, 1865.
Thomas G. Blewett, sr., executor of	391	August or September, 1865
Drury J. Brown's executor	50	Do.
John B. Baldwin	118	August 10, 1865.
David Burnett's administrator	31	August 1, 1865.
Sallie A. S. Barkley *et al*	80½	September 1, 1865.
Terrell Brooks	59	Do.
George W. Brame	10	August 1, 1865.
Alex. Booker	8	July 10, 1865.
Joseph E. Buckley	25	October 20, 1865.
Henry C. Bloxom	17	July, 1865.
William D. Bibb	38	Do.
James T. B. Cocke	69	Do.
Nancy L. Cavett	76	August 17, 1865.
E. L. Carpenter	30	August 1, 1865.
John R. Cockrell	4	August 11, 1865.
William M. Cozart	219	August 14 and 16, 1865.
Cozart & Mason's surviving partner	200½	August 25, 1865.
Willis B. Calhoun	147	August 4, 1865.
J. A. Campbell	91½	September 20, 1865.
W. McD. Conner	122	August 10, 1865.
Matthew I. Clay	300	August 10 to 31, 1865.
Mary Ann Croft	32	July 15, 1865.
Susan Campbell	10	August 15, 1865.
James M. Collins, guardian of A. B. Connell and M. McI. Connell	29	August 1, 1865.
William D. and William P. Connor	110	Do.
Lamar M. Cravens	28	November 15, 1865.
Easly C. Clements	38½	August 10, 1865.
J. N. Craddock	48	July or August, 1865.
John W. Cotton's administratrix	75	August 1, 1865.
B. H. Cox's administrator	48	September or October, 1865.
Maria E. Chandler	63	August 20, 1865.
Blake L. Cromwell	41	July 15, 1865.
Patrick S. Cromwell's heir	291	August 1, 1865.
Kyle Chandler	20	August 2, 1865.
Churchill Carpenter	18	August 1, 1865.
Joseph B. Cole	74½	Do.
Washington W. Calmes	60	September 1, 1865.
Mary L. Cox's heirs	37	September, 1865.
Artemas J. Cox	62	August or September, 1865.
Henry Coleman	72	October, 1865.
Constantine, Tyson & Co	80	October 1, 1865.
Philip St. G. Cocke's executor	324	August 15, 1865.
Elizabeth T. Conner	35	September 1, 1865.
James M. Collins	130	August 15, 1865.

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X.– *List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
MISSISSIPPI—Continued.		
John C. Cox	154	August 1, 1865.
John S. Chandler	52	September 1, 1865.
E. M. Clark	22	August 1, 1865.
Samuel Conner's administrator	130	August, 1865.
Robert H. Carson's executor and executrix	194	August 15, 1865.
Ransom J. Clark's administrator	54	August 1, 1865.
James C. Carter's executrix	51	September, 1865.
Spencer B. Crow	5	July 15, 1865.
Reuben Davis	56	August 16, 1865.
William Dent	40	August 20, 1865.
J. D. B. De Bow's administrator	79	August 26, 1865.
Elizabeth H. Dobbin	93	July 25, 1865.
Daniel Deupree	91	September, 1865.
Mrs. M. A. Dixon	20	August 10, 1865.
Michael J. Dickson	12	July 20, 1865.
W. D. and T. J. Deupree	40	August 1, 1865.
Elijah Deupree	88	July or August, 1865.
Neely Drake	25	September, 1865.
Charleigh Dowling's administratrix	30	
John L. Dantzler	18	September 10, 1865.
Samuel A. Deanes	20	August 28, 1865.
A. B. Dearing's administrator	125	August, 1865.
Balus E. Deale	25	Do.
Walter Davis	10	August 28, 1865.
John W. Davis	19	August 27, 1865.
Lewis Dinkin's heirs	16	October 10, 1865.
John G. English	130	August 15, 1865.
Edwin A. Ervin	50	September, 1865.
Josiah T. Evans	112	November 8, 1865.
William G. Evans	48	August, 1865.
William B. Evans	85	Do.
Dabney L. Ervin *et al*	60	August 12, 1865.
George Ellis	47	August 10, 1865.
Montgomery B. Edwards	5	July 24, 1865.
William F. Edwards	33	August 15, 1865.
George W. Ellis's heir	30	August 10, 1865.
James R. Edmonds	27	Do.
Jefferson L. Edmonds	58	Do.
Hezekiah W. Foote	37	August 4, 1865.
Mrs. R. C. A. Falconer	77	September or October, 1865.
Francis J. Fontaine	83	September 21, 1865.
George H. Fain	37	July 18, 1865.
Elias B. Fort	113	August or September, 1865.
Joshua C. Fant	24	Do.
Andrew J. Foster and Morgan C. Shell	25	July 20, 1865.
A. E. Fant	22	September 15, 1865.
William D. Fortson	50	August 27, 1865.
John Fatheree's heirs	41	October 14, 1865.
Mary E. Frierson and Juliet B. Bradford	30	Aug., Sept., or Oct., 1865.
David D. Fullilove	29	September, 1865.
William Flowers	7½	November 1, 1865.
James Nicholas Gilmore	84	August 15, 1865.
Joseph B. Gresham	167	Do.
John P. Gaines	56	July 25, 1865.
Mary Ann Gooch	185	August 2, 1865.
John C. Gilmore	16	August 15, 1865.
William I. Gordon	11	July 20, 1865.
Nicholas J. Gilmer's executrix	117	September 1, 1865.
Gabriel W. Gavin	30	September or October, 1865.
John E. Gavin	28	August 22, 1865.
George W. Grimes	40	August 15, 1865.
George W. Gathings	130	Do.
S. J. Gholson	131	August or September, 1865.
Eliz. W. Griffin	123	July 15, 1865.
W. W. Goodwin	107½	August 2, 1865.
Robert M. Garvin, sr	15	After June 30, 1865.
James W. Grace	17	July 15, 1865.
Thomas S. Gathright	46	August, 1865.
George W. Grant's heirs	261	July, 1865.
William L. C. Gerdine	13	September 1, 1865.
McDuffie Greene	104	August 30, 1865.
William Graham	10	July 25, 1865.
Mary P. Greer	48	August 20, 1865.
John W. Gully	12	Do.
Daniel Gardner's administrator	28	July 15, 1865.
Benjamin Garner	8	September 1, 1865.
Mrs. M. S. Garner, widow of William Thomas	15	Do.
Theophilus Green's heir	29	After June 30, 1865.
Nathan Grace	15	July 20, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
MISSISSIPPI—Continued.		
David K. Galtney	42	July 15, 1865.
Radford M. Gunn	50	August 30, 1865.
Allen Griffin	8	August 8, 1865.
William H. Gray's legatee	31¼	August 30, 1865.
Samuel B. Harris	26	July, 1865.
Joshua T. Heard	30	August 16, 1865.
James A. Heard	59	August 29, 1865.
Harvey P. Holden	21	After June 30, 1865
James W. Harris	149	August 19, 1865.
Jeptha V. Harris	73	August 1, 1865.
Julia A. Harrison	195	After June 30, 1865.
Alex. Hamilton	129	September 1, 1865.
Wade Hopkins, sr., heirs of	134	July 26, 1865.
Joseph A. Harney	74	July 21, 1865.
John M. Hooker	45	August 15, 1865.
W. H. & J. H. Harrington	100	Do.
John B. Howlett	33	August 1, 1865.
John P. Hampton	72	July and October, 1865.
James W. Herron	27	October, 1865.
Felix G. Henley	12	November 15, 1865.
Benjamin L. Hatch, ar	127	July 25, 1865.
Joseph Hudnall	51	After June 30, 1865.
Thomas H. Hampton	40	August 1, 1865.
Jehu Harlan	72	July 31, 1865.
William Hamilton	6	July 24, 1865.
Richard G. Hobson	7	July 21, 1865.
Cicily Hobson	17	July 20, 1865.
J. L. S. Hill	13	July 16, 1865.
Thomas J. Hargraves	31	July, 1865.
Finis E. Harris	55	August 19, 1865.
Henry Hennington's administrator	23	October, 1865.
Xenophon Halbert's heirs	34	July 30, 1865.
J. W. Hendon	10	July 20, 1865.
George H. Harris	31	July or August, 1865.
William D. Humphries	115	Aug., Sept., or Oct., 1865.
J. S. W. Hairston	62	August 9, 1865.
William W. Humphries	56	September 15, 1865.
Nicholas E. Hairston	216	August or September, 1865.
Mary Haynes	6	August, 1865.
David Houk	8	August 25, 1865.
Hardin Hairston's executor	194	August 29, 1865.
James F. Harrison	108	August 19, 1865.
Peter C. Hairston	119	September 8, 1865.
George Hairston	162	August 30, 1865.
Henry M. Hunter	25	July 25, 1865.
Joseph L. Hunter	40	July 20, 1865.
Jacob Halbrook	14	August 10, 1865.
Charles M Hunter	15	August 24, 1865.
Percival P. Halbert's administrators	47	September 1, 1865.
Andrew J. Halbrook's widow	45	July 20, 1865.
James H. Houghton's executor	197	August 30, 1865.
Burwell Halbrook's heirs	22	August 20, 1865.
Amelia Harnesberger	78	September 15, 1865.
Jacob K. Hill's administrator	24	August 1, 1865.
Edward Hunter	8	July, 1865.
Nancy Holbrook	15	August 15, 1865.
John H. Irby's administrator	80	Do.
Bird Ivy	500	August, 1865.
Richard F. Irby's administratrix	92	August 27, 1865.
Malachi Ingram	2	September, 1865.
Eliz. M. Johnson's assignee, W. W. Little	15	August, 1865.
Joseph M. Jayne	20	After June 30, 1865.
Archibald C. Jack	25	July 20, 1865.
Abner M. Jack s executor	114	July 25, 1865.
John T. Jameson	49	August 15, 1865.
Seaborn W. Jones	46	July 10, 1865.
Thomas Johnson	13	August 11, 1865.
Osborn S. Johnson's administratrix	10	August 1, 1865.
Charles R. Jordan	92	December 1, 1865.
John F. Jack	27	Aug. 14, and Sept. 1, 1865.
Alex. Jeffries	160	August 1, 1865.
Seaborn A. Jackson	23	September 10, 1865.
Rebecca M. Johnson's executor	97	August 15, 1865.
Joshua Joiner's executor	90	August or September, 1865.
Rebecca P. Jennings	159	August 1, 1865.
William A. Kincaid	22	July 31, 1865.
Woodson H. Kennon	47	August 1, 1865.
L. J. Kirksey	43	August 27, 1865.
William Killis and Elisha Edwards	40	November, 1865.
Henry N. Lawrence	59½	August 20, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
MISSISSIPPI—Continued.		
Sarah N. Lowry	141	August 28, 1865.
William W. Little	51	August 12, 1865.
John R. Lamberth's administrator	24	July, 1865.
William B. Lockett	107	August 15, 1865.
John T. Lowry	65	August 11, 1865.
William T. Lenoir's administratrix	46	August 1, 1865.
Columbus Love	147	July 15, 1865.
Oliver A. Luckett	20	August 15, 1865.
Joseph E. Leigh *et al*	80	August 1, 1865.
R. B. Lindsey	54	July 18, 1865.
James M. Lloyd	40	August 10, 1865.
John M. Ledbetter	60	August 20, 1865.
Alex. S. Lide	75	August 27, 1865.
Stephen S. Lott	6	August 8, 1865.
Drennan Love	24	September 1, 1865.
Jane E. Murray	40	August 3, 1865.
Beverly Matthews	150	October 1, 1865.
Robert A. Minnis	20	August 6, 1865.
W. E. McCarley	51	July 20, 1865.
Hugh McQuien	30	August 1, 1865.
William A. May	48	August 30, 1865.
John McMillan's executor	98	July 20, 1865.
Fenton M. McCake	143	September 21, 1865.
W. D. Marsh's executor	44	July 25, 1865.
D. W. Moses	18	August 10, 1865.
Charles McClaren	138	August 23, 1865.
Duncan McLaurin	40	After June 30, 1865.
R. Y. McNairy's administratrix	161	August 5, 1865.
Philip J. McNairy's administratrix	60	Do.
Lunceford B. McDavid	30	August 2, 1865.
Thomas A. Moore	110	August, 1865.
Alex. P. Miller	64	After June 30, 1865.
Mrs. C. T. Merritt	71½	August 12, 1865.
William E. Mosely's heirs	34	July, 1865.
James A. Mitchell	129	July 16, 1865.
Mathias Mahorner's executor	26	August 24, 1865.
W. D. McJunkin	5	July 24, 1865.
John J. Mahoon	90	December, 1865.
David Mitchell	14	July, 1865.
Daniel McCalip	30	August, 1865.
C. W. Moore	107	September 5, 1865.
Bettie F. Moore	75	After June 30, 1865.
John J. Mehoon	126	October 1, 1865.
Samuel F. McClarey	9	September 5, 1865.
Thomas J. Moore	87	August 20, 1865.
George D. Moore	112	August 15, 1865.
T. G. and James R. Morgan	22	August 5, 1865.
Robert G. Martin	16	September 5, 1865.
Samuel B. Malone's executor	154	After June 30, 1865.
Benjamin Maneese's heir	30	August 20, 1865.
Cornelia Meredith's agent	72	August 15, 1865.
Susan E. Macy, formerly Susan E. Rose	43	July 15, 1865.
James W. Maury	11	December, 1865.
Reddin McCoy	6	August, 1865.
Elijah McCoy	46	Do.
Lewis M. McLendon	48	Do.
James H. Meek	10	August 15, 1865.
William B. Mobley	26	August 5, 10, and 25, 1865.
Thomas H. Morton	22	July 10, 1865.
Daniel D. Morrison	4	July or August, 1865.
William C. and Henry L. Muldrow	42	August 1, 1865.
Joseph L. Mitchell's agent	8	October 1, 1865.
Madey & Falls	20	After June 30, 1865.
Daniel McLaurin's administrator, Andrew Harper	31	July or August, 1865.
Joseph J. Nicholson	202	July 4, 1865.
Zachariah L. Nabors	27	August, 1865.
Jesse S. Norvell	10	July, 1865.
Austin Neely	5	July or August, 1865.
Andrew J. Neely	7	Do.
Elizabeth M. Nance *et al*	76	August 1, 1865.
Matthew Nelson	80	August, 1865.
James M. Nicholson	44	August 2, 1865.
Isaac W. Nicholson's heirs	43	July 20, 1865.
W. G. Nixon	49	November 1, 1865.
John C. Naylor's administrator	60	August, 1865.
Betsey M. Nance's agent	20	September, 1865.
Martha A. Oldshue	38	Do.
John Oliver	36	August 25, 1865.
John Oliver's administratrix	49	August or September, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
MISSISSIPPI—Continued.		
Ebenezer P. Odeneal	106	July, August, or Sept., 1865.
John H. Oden	11	July, 1865.
William S. Price, sr	7	
John W. Patty	11	July 25, 1865.
Hillary X. Portwood	13	July 20, 1865.
Henry T. Pendleton	18	October 11, 1865.
Robert O. Perrin	48	July, 1865.
Robert Paine	113	August 26, 1865.
Kirk Prewett	82	July 25, 1865.
Jacob H. Pierce	72	September 30, 1865.
Telemacus W. Perrin	15	August, 1865.
Benjamin T. Palmer	5	July 17, 1865.
Seth P. Pool	97	August 19, 1865.
D. George Peets	18	July 20, 1865.
Mary W. Pope	56	August 11, 1865.
David A. Patrick	1	September 25, 1865.
James G. Paine	41	August 30, 1865.
F. M. Phillips	10	June 22 and 27, 1865.
Henry Pratt's administrator	20	September, 1865.
Johnson Powell's administrator	49	July 2, 1865.
Isaac Paulk	36	July 10, 1865.
Irvine M. Quin	28	August 1, 1865.
Brooks J. Rinz	22	September or October, 1865.
Henry C. Roberts	38	July or August, 1865.
William C. Rush	57	August 1, 1865.
Joseph Reid	4	July 16, 1865.
Francis M. Rembert	42	July 11, 1865.
Joseph T. Randolph	63	August 5, 1865.
Bennett Reeve's heirs	35	July 15, 1865.
James G. Randle	256	August 20, 1865.
Indiana V. Rogers	89	August 30, 1865.
Samuel E. Rives	22	August 20, 1865.
Mary Rogers's administrator	32	August 30, 1865.
Edward J. Rew	25	August 5, 1865.
Joshua S. Ross	10	August, 1865.
William Rutland	20	July 10, 1865.
T. G. Randle's executrix	84	August 30, 1865.
Ephraim Russell	13	July or August, 1865.
John Russell	34	July, 1865.
Thomas M. Sargent	25	August 15, 1865.
James R. Stevens *et al*	5	July or August, 1865.
James A. Stewart	67	August 9, 1865.
Mrs. A. M. Smith	213	August 10, 1865.
L. W. Smith	100	August, 1865.
Mrs. L. J. Smith	99½	August 25, 1865.
Benjamin Strong's executor	46	August 30, 1865.
James Sykes	220	August 1, 1865.
Charles F. Sherrod	200	Do.
Richard Sykes's administrator	75	September 8, 1865.
Richard Sykes's administrator ..... pounds lint	5,750	September 15, 1865.
Benjamin Sims	18	July 16, 1865.
John Storm, sr	43	September 15, 1865.
John S. Spencer	35	August 1, 1865.
Morgan H. Stewart	20	July 29, 1865.
William H. Smith's agent	40	December, 1865.
Elisha Strong	330	September 15, 1865.
Martin L. Strong	50	July 10, 1865.
Permelia A. Shelley	30	September 15, 1865.
Elisha H. Strong	56	September 30, 1865.
Ethelred L. Sykes	56	July 19, 1865.
John J. Stockard	114	July 11, 1865.
Lewis Shirley	40	October 1, 1865.
Josephine F. Streeter	14	August 10, 1865.
Henry Sumrall	39	October 14, 1865.
Robert B. Scott	25	June or July, 1865.
James M. Smith	78	August 1, 1865.
Jacob H. Sharp	200	August or September, 1865.
George A. Sykes	106	August 30, 1865.
Simon B. Sykes's executrix	119	August 3 and 8, 1865.
John E. Stuart	14	September 2, 1865.
John P. Stovall	48½	August 18, 1865.
Duke W. Stallings	14	After June 30, 1865.
Solomon D. Sessums	96	August 27, 1865.
Steenberger claim	240	August and July 30, 1865.
Addison H. Sauder's heir—Mary P. Greer	60	August 20, 1865.
Eli T. Shumake	8	August, 1865.
Thomas Simpson	14	August 1, 1865.
Robert Simpson	4	July 15, 1865.
Henry F. Shelton	34	July, 1865.
Aug. Spanu's heirs	37	Do.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
MISSISSIPPI—Continued.		
ohn Tompkins	20	August 1, 1865.
ohn A. Thompson	8	July 8, 1865.
Martin Y. Thompson	6	Do.
. K. Thompson's administrator	30	August 29, 1865.
V. E. Trotter	171	August 30, 1865.
Blair M. Terrell	26	June 8, 1865.
Blair M. Terrell	28	August 12, 1865.
Arabella M. Turner	16	September 22, 1865.
Thomas Tubb	14	November 25, 1865.
Eliz. L. Traweek	172	July 7, 1865.
George W. Tomlinson's heirs	14	August 1, 1865.
ohn H. Thompson	43	August 15, 1865.
Mrs. M. J. Tate	35	August 7, 1865.
Jesse Thompson	87	July 10, 1865.
Martha E. Thompson	4	July 8, 1865.
William W. Topp	90	July 31, 1865.
Scott Thompson	13	August 27, 1865.
Andrew Thompson	50	July 24, 1865.
Shadrach S. Tipton	20	August 20, 1865.
ohn M. Tate's administrator—Alexander Jeffries	282	August 10, 1865.
Richard M. Thomas's heirs	31	September 1, 1865.
Benjamin Thomas	8	Do.
William G. Thompson's executor	12	July 20, 1865.
ohn D. Usher	20	August, 1865.
Cowles M. Vaiden	40	Do.
Elijah Vandiver	27	July 15, 1865.
Elizabeth Withers	51	
Elizabeth Withers, executrix of John Kyle	100	
Thomas Woolverton's administrator	36	August 16, 1865.
James E. Watts	29	August 15, 1865.
Laura F. Wier	26	August 20, 1865.
Julia Westbrook	14	August 1, 1865.
Mrs. Jane M. Wooten	28	August 30, 1865.
W. B. Welborn	75	August 7, 1865.
Richard K. Wooten	9	August 30, 1865.
Robert D. Whitfield	120	August 8, 1865.
Needham J. Whitfield's administrator	171	August 15, 1865.
Rufus W. Watson's executor	163	August 3, 1865.
Isa Watson	172	After June 30, 1865.
Needham Whitfield	134	August 5, 1865.
James H. Whitfield	6	September, 1865.
Avory F. Woodman's administratrix	101	July 13, 1865.
Nicholas O. Ware	122	September 1, 1865.
Peyton H. White	98	July 25, 1865.
William Winfrey's executor	32	September, 1865.
Joseph S. Walker	32	August 1, 1865.
William W. Whitfield	25	After June 30, 1865.
ohn A. Whitfield's heirs	107	Do.
Thomas Watt	50	August 1, 1865.
George Whitfield	8	July or August, 1865.
Washington L. Walton	51	August 25, 1865.
Amos Ward	141	August 30. 1865.
Jehu White	2	September 25, 1865.
Stephen G. Watkins	6	Do.
Edmond Whitfield's administrator	30	August 15, 1865.
ohn M. Witherspoon's administratrix	63	August, 1865.
Thomas W. C. Wingate	50	August 1, 1865.
Alex. D. B. Walker's administrator	90	August 20, 1865.
Mary J. Walton's administrator	21	August 27, 1865.
Warren S. Webb	45	After June 30, 1865.
James M. Wallace	15	July 15, 1865.
ohn A. Wilburn	23	August 20, 1865.
William L. Williams	53	August or September, 1865.
James Williams	5	After June 30, 1865.
William B. Williams	17	July, 1865.
George H. Young	240	October, 1865.
. W. Young's heirs	157	September 1, 1865.
Thomas E. Young's administrators	50	Do.
LOUISIANA.		
Samuel H. and William Agar	48	After June 30, 1865.
David H. Adams	31	October 18, 1865.
Lou Ella Alford	80	August, 1865.
Young D. Allen	28	July 4, 1865.
Thomas W. Abney	15	October 20, 1865.
Samuel Armstrong	12	August 29, 1865.
Seaborne Aycock	28	July 13, 1865.
. C. Alexander's administrator	450	After June 30, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
LOUISIANA—Continued.		
Harris L. Adams	41	July 17, 1865.
A. L. and C. N. Ardis	37	July 7, 1865.
Robert G. Bagley	32	After June 30, 1865.
William F. Boon	58	October, 1865.
Joseph W. Berry and George W. Thompson	107	August 1, 1865.
William M. Brown	34	August 15, 1865.
Burgon Bennett	37	July 6, 1865.
R. M. Browning's administrator	81	July 10, 1865.
William O. Bullock	13	July 9, 1865.
John R. Bosley	220	August 20, 1865.
William R. Boyd	167	July 5, 1865.
Taylor P. Butler	61	July 10, 1865.
Benjamin Bugg	13	July, 1865.
Henry P. Berry	18	November 25, 1865.
Lazarus Bodenheimer	10	October 3, 1865.
Stephen Butler's administrators	52	July 10 and 23, 1865.
Elizabeth S. Bryan	20	July 9, 1865.
William B. Boykin	11	July 20, 1865.
Joseph D. Bryan	171	July 8, 1865.
Mary A. Bryan	200	Do.
Joseph N. Bryan	38	July 17, 1865.
Benjamin F. Bruton	28	July 8, 1865.
Bouldin, Riggs & Walker	588	After June 30, 1865.
Richard C. Bonney	132	August 20, 1865.
Edw. W. Bludworth	250	July, 1865.
T. B. Beaver	250	March 20, 1866.
Benjamin R. Bichham's administrator	160	August 25, 1865.
John Brice	14	July 7, 1865.
Jason J. Boylston	22	July 20, 1865.
Sarah E. Brownfield	10	August 11, 1865.
Marks Baer	62	September 4, 1865.
Morgan Cryer	37	December, 1865.
Moley Crow	54	July 15, 1865.
P. C. Collier	20	July 4, 1865.
John M. W. Camp	24	August 27, 1865.
Isaac Cooper	39	August, 1865.
Mary A. Cooper	31	August 20, 1865.
Thompson Camp	33	January 5, 1866.
William W. Colbert	84	July 15, 1865.
William Chaddick	13	July 7, 1865.
Franklin Courtney	15	July 15, 1865.
Elbert L. Chapman	19	July, 1865.
William Cox	30	July 25, 1865.
Martin Canfield	45	August 7, 1865.
Mann J. Clay	126	July 4, 1865.
W. L. Cromwell	160	August 25, 1865.
James M. Canfield	3	January 3, 1866.
W. F. H. and E. J. S. Cates's heirs	70	July, 1865.
Oran M. Collingsworth	21	July 28, 1865.
J. D. Cawthon	27	July 20, 1865.
Ashley Cawthon's administrator	175	Do.
Walter Cates	76	July, 1865.
N. J. Cook	9	October 15, 1865.
Daniel Carter	9	Do.
David Creswell	12	February 1, 1867.
William L. Candler's administrator	82	August 9, 1865.
Jona H. Carter	30	July 11, 1865.
Albert Deming, sr	425	July 16, 1865.
Joseph T. Davidson	9	July 4, 1865.
Mary A. Davidson	14	July, 1865.
William E. Doty	61	Do.
Burton P. Deck	2	October 28, 1865.
Elizabeth F. Duncun, *née* Flournoy	160	After June 30, 1865.
William D. B. Edens	49	July, 1865.
David R. Evans	33	July 4, 1865.
William S. Edwards	50	August 20, 1865.
William B. Egan	33	July, 1865.
Bartholomew Egan	5	Do.
John R. Evans's heirs	450	August, 1865.
Theodosia Eubank Flournoy	286	After June 30, 1865.
James F. Fowler	178	November 15, 1865.
Flavel and Mary Foster's administrators	49	August 11, 1865.
William L. Fullilove	45	June 27 and July 1, 1865.
Joseph M. Ford	26	July, 1865.
Lucien Flournoy's pro. executor	25	October, 1865.
James G. Fullilove	17	October 2, 1865.
Hannah Gibbs's executors	7	March 10, 1866.
Elias George	30	December, 1865.
Daniel W. Gladden	48	July 4, 1865.
Samuel Y. Gladney	24	July 5, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
LOUISIANA—Continued.		
homas M. Gilmer	100	August 1, 1865.
ohn S. Gamblin	193	August 10, 1865.
. H. Guill	200	Oct. 24, 1865.
eiah Guill	40	August 1, 1865,
eiah Guill	28	August 10, 1865.
asper Gibbs	350	August 5, 1865.
avid Grantham	2	July, 1865.
. A. Givens	40	Do.
ohn C. Griggs	69	July 15, 1865.
awrence Gahagan	23	July or August, 1865.
eiah Hale	21	November, 1865, Jan., 1866.
homas Hightower	35	July 12, 1865.
illiam B. High	84	August, 1865.
liha I. Hall	80	July and August, 1865.
ohn R. Hayes	200	July 17, 1865.
uke H. Hayes	26	July 2, 1865.
rancis A. Hilley	65	July 10, 1865.
ohn R. R. Harrison	171	February 18, 1866.
ichard K. Harrison	323	Do.
ohn Hamiter's heirs	138	July 8, 1865.
osephine S. Houston	240	August 20, 1865.
arnett Hartley	133	July 13, 1865.
ohn J. Hodge's executor	111	July, 1865.
ames C. Howell	245	February 18, 1866.
lizabeth R. Holstun	33	July and August, 1865,
eorge S. Hays	26	July 8, 1865.
iley J. Harrison	66	August 23, 1865.
ennett M. Hine's executor	80	July 29, 1865.
oseph Hunter	406	July 10, 1865.
am Harrison	170	July 25, 1865.
. J. Harris	77	July 10, 1865.
illiam W. Harper	150	July, 1865.
ldred Hardy	29	July 10 or 15, 1865.
ohn H. Hill	69	July 28, 1865.
ames B. Hilbun	20	July 15, 1865.
ach. Howell and heirs of Margaret Whitworth	50	Do.
rs. Augusta Johnson	90	August or September, 1865.
illiamson Jones	93	July 9, 1865.
lezajah Johnston	225	After June 30, 1865.
ameo A. Johnson	280	July, 1865.
dward J. Kennon	17	September 1, 1865.
. P. King's administrator	12	July 10, 1865.
llen Killgore	20	September 1, 1865.
ouisiana State Bank's successor tate National Bank of New Orleans	306	July 29, 1865.
ouisiana State Bank's successor tate National Bank of New Orleans	41	After June 30, 1865.
ohn Laplace's heirs	26	July 25, 1865.
ames R. Langston	26	July, 1865.
rvin E. Lewis	27	August 15, 1865.
ndrew Lawrence	36	July 24, 1865.
homas Lacy	86	August 1, 1865.
artha A. Lawhorn	26	July 17, 1865.
esse Lee's executor—William J. Scott	51	July, 1865.
illiam Fletcher Morland	47	July 4, 1865.
rancis T. Mitchell	200	July, 1865.
llen W. Marshall	40	July 15, 1865.
illiam F. McRee	476	August 8, 1865.
eorge W. Meek	52	July 10 to 14, 1865.
obert B. Massingill	40	July 2, 1865.
adison Mobley	50	August 15, 1865.
ohn C. McCrary	102	August 20, 1865.
oseph H. Mitchell	21	July 8, 1865.
ohn Murphy	1	October 1, 1865.
. R. Madden's administrators	35	July, 1865.
illiam C. Mays	41	July 5, 1865.
athaniel M. Martin	6	August 1, 1865.
enry L. Martin's heirs	80	Do.
aac McKee's administrator	40	October or November, 1865.
amuel McKee's administrator	55	July 4, 1865.
. L. McCoy	20	August 1, 1865.
enderson McFarland	15	October 14, 1865.
cMerty, Atkisson & Co	800	After June 30, 1865.
alter V. Metcalf	223	September 13, 1865.
onaparte McMillan	37	July, 1865.
. M. Matthews	35	August 1, 1865.
ames A. McCready	41	July, 1865.
ohn N. B. Moore	20	July 10, 1865.
. P. McDaniel's administratrix	31	July 12, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
LOUISIANA—Continued.		
George B. Merritt's heirs	36	July, 1865.
B. L. Moore's administrator	80	Do.
Manuel M. Morales	35	September, 1865
Francis L. Moreland	368	October, 1865.
Mrs. Sarah Mobley's administrator	62	August 1, 1865.
Josiah Willis Norris	28	July 18 and 21, 1865.
Alford T. Nelson	24	After June 30, 1865.
M. T. Nicholson	32	Do.
Andrew J. Nelson	2	July 4, 1865.
Matthew T. Nicholson	343	November, 1865.
Jane E. Nuckolls	22	September 15, 1865
David S. Newell	116	July 10, 1865.
William Newsom	37	July 20, 1865.
Roderick Nicholson	74	July, 1865.
Angus Nicholson	75	Do.
W. L. Oakes	52	August 1 and 10, 1865.
Thomas J. Oliver	10	July 30, 1865.
William J. Ogilvie's administrator	140	September, 1865.
Allen S. B. Pior	73	July 4 and 11, 1865.
Nathan W. Peters	13	July, 1865.
George Patten	39	January 29, 1866.
Harmon W. Patten	35	July 7 and 8, 1865.
Thomas Player	73	July, 1865.
Owen W. Patty	5	November or Decem'r, 1865.
William B. Protho	158	July, 1865.
Harlow J. Phelps	225	July 20, 1865.
Robert B. Platt	75	Do.
Levin K. Person	67	February 1, 1866.
S. M. Price	40	August 1, 1865.
J. P. Piles	200	July 18, 1865.
John Page	15	September or October, 1865.
John L. Pearce	14	July 17, 1865.
D. B. Platt	13	August 1, 1865.
David Platt	80	June 18, 1865.
William R. Prather	111	July, 1865.
Gust. C. Pickett	50	June 15, 1865.
Mary A. Randle	20	August 13, 1865.
Collin Rhodes	97	July, 1865.
John Regan	26	Do.
William Ramsey	20	July 7, 1865.
Isaac Rothhan	650	July 1, 1865.
Rogers & Gibbs's administrators; William S. Rogers, Ed. Hartwell	78	July 12, 1865.
William J. Sullivan	20	November, 1865.
Norbert F. Scorpini	30	August, 1865.
William D. Shea	68	July, 1865.
John N. Smith	35	October 25, 1865.
Emily A. Smith	50	July 11, 1865.
Nancy A. Sibley	40	December, 1865.
Jesse G. Sandlin	70	August 1, 1865.
Andrew Scott	24	July, 1865.
William J. Scott	22	Do.
Henry D. Sheeho	62	July 8, 1865.
J. B. Sugg's heirs	100	July, 1865.
State National Bank of New Orleans	50	July 27, 1865.
John Thomas Tigner	57	September 20, 1865.
Henry Taylor	27	August 15, 1865.
Jonathan Taylor	38	July 4, 1865.
Joseph F. Taylor	47	July 5, 1865.
L. E. J. Taylor	87	July 15, 1865.
W. A. Turner	4	October 1, 1865.
William Thomas	110	July, 1865.
George W. Tigner	64	September 30, 186
Caroline Thompson	23	July 15, 1865.
John Tooke	19	July 8, 1865.
Remie B. Taylor	58	August, 1865.
James C. Taylor	18	October 28, 1865.
Simeon Theus's widow	21	July, 1865.
Catlett G. Thurmond	103	July 12, 1865.
James Upshaw	80	July 15, 1865.
John L. Vickers	21	July 17, 1865.
James J. E. Woodard	457	July 15, 1865.
T. Alonzo Walker, Augusta C. Walker	210	August, 1865.
Edward Williams	68	July 18 and 20, 18
Joseph M. White	54	July 4, 1865.
John B. Wafer	27	July 5, 1865.
Reuben Warren's administrator	20	August, 1865.
William White	77	July 12, 1865.
Thompson Wood	34	August 20, 1865
Junius Y. Webb	19	August 1, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
LOUISIANA—Continued.		
Elizabeth Wilson	96	August 9 and 25, 1865.
H. Titus Wimberley	48	August 10, 1865.
Wilson Williams	75	July 7, 1865.
John Wilson	36	Sept., Oct., and Nov., 1865.
Tempy A. Whitley	17	July or August, 1865.
Joseph V. White	16	July 20, 1865.
Thomas N. Willis	347	November 1, 1865.
Joshua Willis	233	October, 1865.
Americanus Willis	498	September or October, 1865.
Sim. S. Waits	6	October, 1865.
Brook Wells	28	October 4, 1865.
Margaret Webster	3	July 20, 1865.
Mrs. Delany Williamson	25	July 17, 1865.
John H. Walker's administrator	25	August 9, 1865.
Isaac P. Webb	40	July 15, 1865.
R. W. Worley	13	Do.
ARKANSAS.		
Isaac L. Adair	20	September 1, 1865.
James Aiken's administrator, John B. Tatum	180	July 10, 1865.
Bostick, Pennywit & Co	129	July 3 and 4, 1865.
Michael Bozeman	20	August 1, 1865.
James K. Benjamin	173	August 15, 1865.
Jackson S. Britt's heirs, A. C. Lovett *et al.*	626	February, 1866.
Robert A. Brunson	120	July or August, 1865.
Paul R. Booker's administrator	189	July 1, 1865.
G. O. Britt's administrator	80	April or May, 1865.
Bostick, Pennywit & Co.'s surviving partner	60	July 15, 1865.
Do	40	July 11, 1865.
Bishop & McMullen	20	December 27, 1865.
Daniel and Virginius Block's administrators	187	July or August, 1865.
Henry C. Boyd's executor	127	November 28, 1865.
Jos. J. Battle	113	July 15, 1865.
James Burns	5	September 1, 1865.
Nathan Bussey	100	Do.
William C. Bradley	293	September 3, 1865.
Samuel N. Caughey	200	September 15, 1865.
William Crabtree	201	August, 1865.
David Creswell for himself and as agent for C. H. Temple	24	January or February, 1867.
Greenville A. Cheatham	350	July or August, 1865.
John S. Cannon	25	July 10, 1865.
Evander Currie and wife	43	October 1, 1865.
Greenville K. Cheatham, surviving partner	412	July 10, 1865.
Do	7	Do.
Do	373	Do.
Do	29	Do.
James M. Coulter	40	August 30, 1865.
Greenville A. Cheatham	20	August, 1865.
Wiley P. Cryer's administrator	24	October or November, 1865.
C. R. Creecy	10,000	October 6, 1865.
Elijah Cabarriss	36	July 4, 1865.
Garland Crenshaw's administrator	24	December 1, 1865.
Henry H. Davis's administratrix	28	July 20, 1865.
James W. Duckett's executor, J. H. Williams	250	August 20, 1865.
H. F. Durham	8	July 1 and October 30, 1865.
David H. Dickson	130	December 21, 1865.
William W. Davis	20	July 20, 1865.
John P. Dickson's heirs	112	November 20, 1865.
James Finley's administrators	200	September 20, 1865.
Leonidas C. Ferrill's heirs	25	August 20, 1865.
James M. Faulkner's administrator	34	August 8, 1865.
Mary W. Graham	20	November 1, 1865.
William G. Gresham	40	Aug. 10 and Sept. 1, 1865.
Oliver P. Greenwood	8	September 15, 1865.
Elijah M. Gray	16	August 1, 1865.
Jonathan Holcomb	31	July 25, 1865.
John H. Hamiter, agent for R. E. Hamiter *et al.*	180	August 1, 1865.
Calvin M. Hervey	48	After June 30, 1865.
Henry A. Hawkins	132	July 10, 1865.
Benjamin F. Hawkins	391	July 20, 1865.
Thomas A. Heard	20	July 15, 1865.
David Hamiter's executors	645	Fall of 1865.
John H. Hamiter *et al.*	70	July 17 or 20, 1865.
Thomas Ingram's administrator	80	September 1, 1865.
Hartwell T. Ingram	10	Do.
Edward Johnson	25	September, 1865.
John Johnson's administrator	34	After June 30, 1865.
O. S. Jones's administrator	40	Do.
Orlando S. Jones's heir	272	July, 1865.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
ARKANSAS—Continued.		
Orlando S. Jones's heirs	272	July, 1865.
John M. Lewis	33	August 15, 1865.
Alexander C. Lovett	4	September, 1865.
Jules Lapéno and Auguste Ferré	80	July, 1865.
John G. Morgan	80	August 1, 1865.
Richard A. J. Moore	12	September 15, 1865.
John Matlock	158	July or August, 1865.
Pleasant T. Marks	75	November 1, 1865.
Ephraim Myrick	60	After June 30, 1865.
Robert W. McHenry	10	July 1, 1865.
James M. Meek	30	August 4, 1865.
Robert W. McHenry	15	July 10, 1865.
John C. Norman	2	January or February, 1866.
Green Newton	84	August 10, 1865.
Enoch Ordway's executor	9	July, 1865.
Nathan Ogden	16	July 1, 1865.
Alexis D. Pope	8	December, 1865.
Samuel B. Patterson	12	January or February, 1866.
Joseph W. Paup	100	August, 1865.
Mark D. Peyton	10	November, 1865.
Frederick A. Peterson	8	October, 1865.
Judge C. Prothro	13	September 10, 1865.
Andrew J. Ross	10	July 17, 1865.
Alex. J. Rader	100	August 10, 1865.
Thomas Stewart	6	September, 1865.
Nancy P. Smith	26	Do.
James W. Smith's administrator	84	July or August, 1865.
Alfred O. Stuart	22	August 30, 1865.
Anderson D. Smith	13	August 1, 1865.
Joshua P. Tatum	48	July 15, 1865.
James E. Trimble	158	August 15, 1865.
Andrew Tyler and Robert Wilson	230	July 26, 1865.
John B. Tatum	14	August 10, 1865.
James Trigg's administrator	75	November 1, 1865.
Robert W. Walker	600	July 25, 1865.
Morehead Wright's executrix	58	December 12, 1865.
Samuel W. Witherspoon's administrator	160	July 10, 1865.
James H. Walker, jr.'s, administrator	176	August 1, 1865.
TEXAS.		
C. C. Alexander's executor	150	September 10, 1865.
Jacon C. Alexander	9	August 26, 1865.
Henry R. Alsobrook's administrator	29	July 15, 1865.
A. M. & C C. Alexander's surviving partner	225	July 1, 1865.
Hamilton Boyd	160	Fall of 1865.
Gotlieb Baer	20	July, 1865.
Frederick Bernard	122	July 6, 1865.
Green B. Byrd	8	September 20, 1865.
Davis Burrough's heirs, Nancy C. Muce *et al*	15	August 1, 1865.
William H. H. Brooks	577	July 20, 1865.
Bouldin & Newell	3,628	After June 30, 1865.
William M. Brooks	60	August 1, 1865.
John Bonner	27	July 12, 1865.
William Bonner	30	July 15, 1865.
James I. Bonner	14	Do.
Joseph Bowling *et al*	332	July 10, 1865.
William Bailey	4,000	July or August, 1865.
William A. Boyd's administrator	62	Spring of 1866.
James A. Baugus	20	July 17, 1865.
Charles C. Clark	10	September 15, 1865.
C. D. & J. W. D. Creath	6	September, 1865.
William L. Cochran	15	September 1, 1865.
Edw. J. Carrington, sr.'s, heirs	11	August 22, 1865.
John S. Cleveland	3	September, 1865.
W. H. Clark	8	Do.
J. D. Cunningham	8	August 19, 1865.
Calvin C. Campbell	2,387	August or September 1865.
Calvin C. Campbell	142	July 22, 1865.
F. Campbell	15	August 15, 1865.
S. Campbell	6	September 15, 1865.
Jacob W. Dunnam	10	September 1, 1865.
Thomas W. Dunnam	17	Do.
Samuel B. B. Dunnam	5	Do.
Samuel M. Dunlap	220	July 1, 1865.
W. B. Denson	5	October 1, 1865.
Henry G. Darey *et al*	15	July 15, 1865.
Benjamin F. Denson	20	July 19, 1865.
H. M. Elmore	17	September 1, 1865.
S. W. Flanagan	13	January 21, 1866.

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X.—*List of claims for the proceeds of cotton, &c.*—Continued.

Name of claimant.	No. of bales claimed.	Date of alleged seizure.
TEXAS—Continued.		
Lafayette Folger and William H. Thomas	6	July 15, 1865.
Phinehas M. Garrett	8	July 7, 1865.
B. M. Grace	12	September, 1865.
R. N. Green	3	August 25, 1865.
William H. Gill	1,167	February 15, 1866.
Jacob Herring	11	Nov. 12, 1865.
William O. Harding	8	August and September, 1865.
George B. Halyard	26	July 8.
William J. Herbert	19	August 1, 1865.
Clieb C. Herbert's administrator and heirs	60	July 17, 1865.
James Hogue	14	September, 1865.
Sarah A. Hogue	6	Do.
James E. Hader	2	Do.
John Hill	70	September 1, 1865.
James M. Hardy	10	October 1, 1865.
A. T. Hill	9	August 19, 1865.
William B. Heard	9	After June 30, 1865.
J. A. H. Hosack and J. W. Smith	116	July 15, 1865.
David Hamiter and James H. Rodgers	479	October 20, 1865.
Martha L. Hambleton	2,735	Fall of 1865.
R. M. Hopkins's executor	300	September.
John D. Henderson's heirs	300	September, 1865.
W. S. Hogue's administratrix	29	Do.
James Hogue	28	Do.
John F. Hicks	2	October, 1865.
John W. Johnson and Henry Rhine	486	July, 1865.
John R. Johnson	5	October 5, 1865.
Isaac Jalonick	14	September 20, 1865.
Charles H. Jones and Oliver P. Gilder	116	After June 30, 1865.
Burton H. Kinsworthy, surviving partner of L. B. Dowd	20	July, 1865.
John Lee	5	October 1, 1865.
William W. Lang	4	August 10, 1865.
Napoleon B. Lytle	250	July 15, 1865.
J. Baptiste Lacorte	2,500	July 1, 1865.
Joseph F. Liles	2	August 15, 1865.
James H. Martin	4	August 28, 1865.
Henry E. Moss	36	July 15, 1865.
Frank T. Mitchell	563	July 18, 1865.
Moses Meekins	2	September 1, 1865.
Richard S. Mainer	3	Do.
James G. McDade	60	August 15, 1865.
Charles McCready *et al*	15	July 15, 1865.
John Marks *et al*	21	Do.
James G. Newsom	4	July 6, 1865.
John H. Newsom	16	November 1 to 12, 1865.
Thomas C. Payan	76	July 10, 1865.
Thomas G. Polk	8	August 9, 1865.
C. F. Powell	6	September 1, 1865.
Wesley Ross	4	September, 1865.
Moses Reichman	238	July 16, 1865.
J. G. Rosenfield	27	March 1, 1866.
H. W. Robinson	10	September, 1865.
William H. Strahan	5	July 10, 1865.
Henry A. Stealey	4	July, 1865.
Mary Smith	12	August 23, 1865.
R. R. Sappington and L. S. Owing	1,733	July 1, 1865.
James E. Scott	12	October 1, 1865.
Isam Tooke	10	October 4, 1865.
David Tooke	227	October 7, 1865.
W. J. Thompson	125	August, 1865.
Samuel Thomas	20	November 2, 1865.
James M. Turner	14	October 15, 1865.
Mrs. M. E. Traylor	6	September 1, 1865.
T. L. Walker	328	July 15, 1865
William H. Womack	180	July 26 and August 15, 1865.
Mrs. Letty Whitfield's administrator	57	October 16, 1865.
Matthew Watson	291	Dec., 1865, and Mar., 1866.
Henry L. Webb and Richard Lloyd	300	July 16, 1865.
Cyrus Yale, Richard H. Yale, and John P. Fowler	100	July 10, 1865.

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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 24.

LETTER

FROM

THE SECRETARY OF WAR,

ACCOMPANYING

A copy of a letter of the commanding general, Department of the Columbia, and a copy of the decision of the judge of the district court for the district of Oregon, in the case of John A. Carr.

FEBRUARY 6, 1875.—Referred to the Committee on the Judiciary and ordered to be printed.

WAR DEPARTMENT, *February* 4, 1875.

The Secretary of War has the honor to transmit to the United States Senate, for the information of the Committee on the Judiciary, for consideration in connection with letter of the 13th ultimo upon the same subject, (see Senate Executive Document 15, 43d Congress, 3d session,) copy of letter of the commanding general, Department of the Columbia, and copy of the decision of the judge of the district court for the district of Oregon, in the case of John A. Carr.

Mr. Carr was arrested by the military authorities upon the charge of introducing spirituous liquors into Alaska without authority of the War Department, and, in obedience to a writ of *habeas corpus*, he was produced before the United States district court for the district of Oregon, and discharged for the reason stated in the inclosed opinion.

Copies of General Orders Nos. 40 and 57, series of 1874, from this Department, publishing the opinions of the Attorney-General as to what is Indian country, and as to the jurisdiction of this Department over the introduction of spirituous liquors or wine into that country, are herewith inclosed.

Special attention is invited to this matter, and the passage of a law is earnestly recommended which will clearly define the duties of the Department in cases arising out of violation of the Indian intercourse laws, and that in cases like the present the Department be authorized to transfer prisoners to the custody of a United States marshal, to be stationed in Alaska, or that sufficient time be allowed in which to deliver prisoners arrested in Alaska into the custody of the United States marshal of the district of Oregon.

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 8, 1875.

SIR: I have respectfully to inclose copy of a decision, cut from the Oregonian of this date, of Hon. M. P. Deady, judge United States dis-

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trict court for the district of Oregon, which is of great interest to us in connection with the administration of affairs in the distant Territory of Alaska.

I recommend speedy legislation with regard to that Territory, that either it may be *without question* under military authority, or, far better, that it may be organized under a civil government.

If there are too few inhabitants for a territorial government, it could be placed as a county, provisionally, under the authority of Washington Territory.

I am, sir, very respectfully, your obedient servant,

O. O. HOWARD,
Brigadier-General, Commanding.

The ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.

(Through division headquarters.)

Decision on habeas corpus in the United States district court.

United States district court, district of Oregon, Thursday, January 7, 1875.—In re John A. Carr, on *habeas corpus.*

At the court yesterday morning Judge Deady announced his opinion upon the demurrer to the return in this case. The opinion was oral, and substantially as follows:

Two questions are made in support of the demurrer to the return: first, that section 23 of the Indian intercourse-act of 1834 has not been extended to Alaska, and therefore the military force cannot be employed in the apprehension of persons who may be found introducing spirituous liquors into Alaska; and, secondly, that although the military force might have been employed in arresting the petitioner upon such charge, yet he could only be held in such custody five days before removal to the civil authority authorized to proceed against him according to law.

It appears from the petition and return that the petitioner, being the collector of customs at Fort Wrangel in Alaska, was arrested, by Lieutenant Dyer of the Army, in the latter part of September, 1874, upon the charge of violating section 20 of the Indian intercourse-act, by introducing spirituous liquors into the country in the month of July, without the consent of the War Department; and that the petitioner was kept in custody by direction of Capt. J. B. Campbell, commanding the district of Alaska, until the service of the writ herein on December 19, when he was sent, in custody of Captain Joselyn, to this place in obedience to the writ.

Section 1 of the Alaska act of July 27, 1868, (15 Stat., 240,) having been amended by the act of March 3, 1873, (17 Stat., 530,) so as to extend over the Territory of Alaska sections 20 and 21 of the intercourse-act of 1834, said Territory, so far as the introduction and disposition of spirituous liquors is concerned, became what is known as "Indian country," and the military force of the United States may be employed by the President for the arrest of persons found therein violating either of said sections. To accomplish this result it was not necessary for Congress to extend section 23 of the intercourse-act by name over Alaska. By force of its own terms that section applies to any territory of the United States declared by Congress, either in terms or effect, to be "Indian country;" that is, a country in which the intercourse between the whites and Indians is regulated and restrained by special acts of Congress. So soon, then, as Alaska was made "Indian country," so far as the introduction and use of spirituous liquors is concerned, section 23 of the act, which authorizes the employment of military force, became applicable to it and in force therein.

The President, by means of the proper officers, has authorized the employment of the military to make arrests in Alaska for the violation of said sections 20 and 21. If, then, there was sufficient cause to arrest the petitioner for said offense, Lieutenant Dyer was authorized to make it. Of course in so doing he was merely acting as a police-officer, as a marshal or constable, for the purpose of enforcing an act of Congress, and was not authorized to make the arrest unless it appeared upon oath or affirmation that there was probable cause, as provided in the fourth amendment to the Constitution of the United States. It is a mistake to suppose that the Territory of Alaska is under military rule any more than any other part of the country, except as to the introduction of spirituous liquors and the making of arrests for violations of sections 20 and 21 afore-

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said, in which case they really act as civil officers and in subordination to the civil law.

As to the second point the demurrer is well taken. The petitioner having been detained over five days—indeed, near ninety—before any attempt was made to remove him for trial by the civil authorities, his detention, therefore, became unlawful and unauthorized. The statute is peremptory upon the subject, and with good reason: "*Provided*, That no person apprehended by military force as aforesaid shall be detained longer than five days after the arrest and before the removal." If the removal cannot be commenced in that time, the prisoner must be discharged. It was supposed by Congress, as this proviso manifests, that these arrests would often be made at remote and out of the way places, where the prisoner would be comparatively helpless, without access to counsel or friend, and if the officer whose custody he was in was to be the judge of when he would or conveniently could remove him to the civil authorities for trial, it might sometimes happen that the detention would be continued captiously or maliciously and the imprisonment become grossly oppressive. In Barclay *vs.* Goodale, this court, after able argument and full consideration of the premises, held that the defendant, who had arrested the plaintiff under section 23, and detained him more than five days before removal, because he had no sufficient means wherewith to do otherwise, was liable for false imprisonment.

The petitioner is entitled to be discharged. I have also considered whether, upon the facts stated in the return, I ought now to commit the petitioner upon a charge of introducing spirituous liquors into Alaska contrary to section 20 aforesaid. It is not alleged directly in the return that the petitioner was guilty of this offense, but only that he "was arrested for it." The evidence upon which the arrest was made is not stated in or attached to the return. I do not think the statement in the return is sufficient evidence or information to authorize a commitment by me.

The respondent then had leave to amend the return, and annex thereto, among other things, the affidavit of W. P. Wilson, taken before Lieutenant Dyer on September 24, 1874, stating that in July he paid John A. Carr $100 for the privilege of taking a lot of liquors out of the bonded warehouse at Fort Wrangel, to be taken to his own house in Wrangel, while at the same time said Carr made out a clearance of the goods to Glenora Landing, B. C.

Objection was made that this affidavit was not made before an officer authorized to administer oaths.

The court held that the affidavit was duly taken in pursuance of paragraph 1031 of the Army Regulations of 1861, and upon it committed the petitioner to answer the charge, and fixed his bail at $2,500.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 1, 1875.

Official copy.

E. D. TOWNSEND,
Adjutant-General.

[General Orders No. 40.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 16, 1874.

The act of Congress of March 3, 1873, having extended the laws of the United States relating to customs, commerce, navigation and trade, and intercourse with Indian tribes, &c., over the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia, by treaty concluded at Washington on the 20th day of March, A. D. 1867, the introduction into the Territory of Alaska of spirituous liquors and wines, "except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department," is prohibited. Such supplies will be introduced into the Territory only upon special permits to be given from headquarters Military Division of the Pacific, or from the headquarters of the Department of the Columbia.

Spirituous liquors or wines for ports or places which can be reached only by passing through the Territory of Alaska, shipped upon vessels intending to touch at or trade with places in, or passing through the waters of Alaska, may be landed at any port in that Territory for transshipment only, under the regulations of the Treasury Department.

The commanding officer at Sitka, Alaska, will proceed against all persons violating sections 20 and 21 of the act of Congress approved June 30, 1834, by introducing any spirituous liquors or wines into the Territory of Alaska, as therein directed.

The following acts of Congress and opinions of the Attorney-General upon this subject are published for the information of all concerned:

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Act approved March 3, 1873.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * * * * *
That section one of an act entitled "An act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection-district therein, and for other purposes," approved July twenty-seventh, eighteen hundred and sixty-eight, be so amended as to read as follows: "That the laws of the United States relating to customs, commerce, and navigation, and sections twenty and twenty-one of 'An act to regulate trade and intercourse with Indian tribes and to preserve peace on the frontiers,' approved June thirtieth, eighteen hundred and thirty-four, be, and the same are hereby, extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the twentieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto."

Act of June 30, 1834.

SEC. 20. *And be it further enacted,* That if any person shall sell, exchange, or give, barter, or dispose of any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, or subagent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or subagent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposit of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such persons shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court and forfeited, one half to the use of the informer and the other half to the use of the United States; and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except military supplies as mentioned in this section.

SEC. 21. *And be it further enacted,* That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the superintendent of Indian affairs, Indian agent or subagent, within the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty.

Act of July 27, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws of the United States relating to customs, commerce, and navigation be, and the same are hereby, extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto.

Opinions of the Attorney-General.

DEPARTMENT OF JUSTICE,
August 12, 1873.

SIR: In June last I received a communication from the chief clerk of the War Department, dated the 16th of that month, which purports to have been sent to me dur-

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ing your absence, but by your direction, inclosing a number of papers relating to questions that have arisen in connection with the administration of the Indian intercourse-laws. Referring to the terms "Indian country," used in those laws, it is observed in the above-mentioned communication that the question is constantly recurring, What is Indian country? And I understand it to be one of the objects of the communication to elicit from this Department an answer to that question. The communication, besides, contains a request for an opinion as to whether the War Department has exclusive authority to permit the introduction of spirituous liquors into the Indian country. With regard to the subject just adverted to, it appears that by the 20th section of the act of June 30, 1834, (4 Stat., 732,) a penalty was imposed upon any person who should "sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, in the Indian country," or who should "introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department." The effect of this enactment was not only to prohibit the sale or disposal of those articles to the Indians in the Indian country, but also to wholly prohibit their introduction into that country, excepting where they were taken there as military supplies under the direction of the War Department.

By the 2d section of the act of March 3, 1847, (9 Stat., 203,) amendatory of the 20th section of the act of 1834, imprisonment was added to the fines imposed by the latter section. Thus stood the law on this subject until the passage of the act of February 13, 1862, (12 Stat., 339,) which amended the 20th section of the act of 1834 so as to read as follows:

"That if any person shall sell, exchange, give, barter, or dispose of any spirituous liquor or wine to any Indian under the charge of any Indian superintendent or Indian agent appointed by the United States, or shall introduce or attempt to introduce any spirituous liquor or wine into the Indian country, such person, on conviction thereof before the proper district court of the United States, shall be imprisoned for a period not exceeding two years, and shall be fined not more than three hundred dollars: *Provided, however*, That it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, if it be proved to be done by order of the War Department, or of any officer duly authorized thereto by the War Department," &c. The remainder of the provision is unimportant to the matter in hand.

This amendment was afterward re-enacted by the act of March 15, 1864, (13 Stat., 29,) which gave to the circuit court, also, cognizance of cases arising thereunder, but made no other material alteration therein; and, as thus re-enacted, it appears to be the only law now in force which is applicable to the subject under consideration. This law, in effect, declares that any person who introduces or attempts to introduce spirituous liquor into the Indian country is punishable by fine and imprisonment, except it "be done by order of the War Department, or any officer duly authorized thereunto by the War Department." By fair implication, the introduction of spirituous liquor into the Indian country is prohibited wherever it is not done by authority of the War Department; and hence the authority of that Department touching the introduction of liquor into the Indian country would seem to be exclusive. The question, What is Indian country within the meaning of the Indian intercourse-laws, is one of less easy solution. By the act of March 30, 1802, (2 Stat., 139,) a boundary-line between the territory then allotted or secured by treaty to the Indians (which is therein designated as "Indian country") and the other territory of the United States was definitely established by metes and bounds, with a proviso, however, that the same might thereafter be varied by treaties with the Indians. From the multiplicity of these treaties, it, in the course of time, became difficult to ascertain precisely what were the limits of the Indian country.

To remedy this inconvenience and render those limits more obvious and certain, the act of June 30, 1834, (4 Stat., 729,) in its 1st section, provided "that all that part of the United States west of the Mississippi, and not within the States of Missouri and Louisiana or the Territory of Arkansas, and also that part of the United States east of the Mississippi River, and not within any State, to which the Indian title has not been extinguished, for the purposes of this act be taken and deemed to be the Indian country."

The understanding of the framers of the law of 1834 was that the Indian country, as thereby defined, would embrace: 1st, the whole of the territory of the United States west of the Mississippi, not within the States of Missouri and Louisiana or the Territory of Arkansas; 2d, that part of the territory of the United States east of the Mississippi, not within any State, to which the Indian title remains unextinguished. (See report of committee, House of Representatives, No. 474, first session Twenty-third Congress, pages 1 and 10.) In the report just cited it is remarked with reference to the Indian country as defined in the first section of that act: "On the west side of the Mississippi its limits can only be changed by legislative act. On the east side of that river it will continue to embrace only those sections of country, not within any State, to which the Indian title shall not be extinguished. The effect of the extinguishment

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of the Indian title to any portion of it (*i. e.* of the country east of the Mississippi) will be the exclusion of such portion from the Indian country." Subsequently the question arose as to whether the Territory of Oregon was within the limits of the Indian country west of the Mississippi, as described in the act of 1834; and Congress, apparently assuming that it was not, provided, by the fifth section of June 5, 1850, (9 Stat., 437,) as follows:

"That the law regulating trade and intercourse with the Indian tribes east of the Rocky Mountains, or such provisions of the same as may be applicable, be extended over the the Indian tribes in the Territory of Oregon." By the seventh section of the act of February 27, 1851, (9 Stat., 587,) it was also provided: "That all the laws now in force regulating trade and intercourse with the Indian tribes, or such provisions of the same as may be applicable, shall be, and the same are hereby, extended over the Indian tribes in the Territories of New Mexico and Utah." And recently, by the act of March 3, 1873, chapter 227, sections twenty and twenty-one of the act of 1834, were "extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia, by treaty concluded at Washington on the 30th day of March, A. D. 1867, so far as the same may be applicable thereto." From this legislation it would seem that, in the view of Congress, the Indian country west of the Mississippi, as defined in the act of 1834, was originally limited to the territory then belonging to the United States situated between that river and the Rocky Mountains, and not within the States of Missouri and Louisiana or the Territory of Arkansas. Respecting that part of the Indian country, it was the understanding of the framers of the act of 1834 that the limits thereof could only be changed by legislative enactment. I am not aware of the existence of any statute that in direct terms changes those limits. But the course of legislation since the date of that act, in opening up a great portion of that region to settlement, in establishing territorial governments there, and in the admission of new States formed therein, has doubtless had *the effect* to alter the limits referred to, or at least to very much restrict the applicability of the Indian intercourse-laws within the district of country thereby described.

It will be observed that the acts of 1850 and 1851, cited above, do not declare the whole of the Territories of Oregon, New Mexico, and Utah to be Indian country, but extend the intercourse-laws, or such provisions of the same as may be applicable, over the Indian tribes in those Territories respectively.

I think it unquestionable, both as regards the region west of the Mississippi originally included within the limits of the Indian country by the act of 1834, and as regards the region formerly included within the Territories just mentioned, that all Indian reservations occupied by Indian tribes, and also all other districts so occupied to which the Indian title has not been extinguished, are Indian country within the meaning of the intercourse-laws, and remain (to a greater or less extent, according as they lie within a State or a Territory) subject to the provisions thereof. Whether a district to which the Indian title has been extinguished or which is open to pre-emption, homestead, or other settlement under the laws of Congress, situated in one of the Territories established within the same boundaries, may also, under any circumstances, be deemed Indian country, and subject to the intercourse-laws, I express no opinion in view of the fact that a case is pending before the Supreme Court of the United States in which the question is involved.

I shall endeavor to procure an early hearing of the case referred to at the ensuing term, and will advise you of the decision of the court as soon as it is ascertained.

I return herewith the papers received.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney-General.

Hon. W. W. BELKNAP,
Secretary of War.

DEPARTMENT OF JUSTICE,
Washington, November 13, 1873.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant submitting, for my official opinion, the questions as to whether or not the Territory of Alaska is embraced within the term "Indian country," and also whether or not your Department has authority to exercise control over the introduction of spirituous liquors into that Territory.

Section 4 of the act of July 27, 1868, (15 Stats., 241,) provides "That the President shall have power to restrict and regulate or to prohibit the importation and use of firearms, ammunition, and distilled spirits into and within the said Territory." Pursuant to the power thus conferred, the President made several proclamations regulating the introduction and use of distilled spirits in Alaska.

The last paragraph of the act of March 3, 1873, (17 Stats., 530,) provides "that the laws of the United States relating to customs, commerce, and navigation, and sections

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twenty and twenty-one of 'An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers,' approved June thirtieth, eighteen hundred and thirty-four, be, and the same are hereby, extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto." Section 20 of said act of 1834, as amended by the act of the 13th of February, 1862, (12 Stats., 339,) is as follows:

"SEC. 20. *And be it further enacted*, That if any person shall sell, exchange, give, barter, or dispose of, any spirituous liquor or wine to any Indian under the charge of any Indian superintendent or Indian agent appointed by the United States, or shall introduce or attempt to introduce any spirituous liquor or wine into the Indian country, such person, on conviction thereof before the proper district court of the United States, shall be imprisoned for a period not exceeding two years, and shall be fined not more than three hundred dollars: *Provided, however*, That it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country if it proved to be done by order of the War Department, or of any officer duly authorized thereto by the War Department. And if any superintendent of Indian affairs, Indian agent or subagent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of the provisions of this section, it shall be lawful for such superintendent, agent, subagent, or commanding officer, to cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. And in all cases arising under this act Indians shall be competent witnesses."

In so far as this section conflicts with preceding acts of Congress, they are repealed. According to the said act of 1868, the President was invested with unlimited discretion over the introduction and use of spirituous liquors in the Territory of Alaska; but Congress, in 1873, adopting the above-cited section 20 of the act of 1834, absolutely prohibits the introduction of spiritnous liquors or wine into said Territory, unless authorized by the War Department.

My opinion, therefore, is, that, as to this matter, Alaska is to be regarded as "Indian country," and that no spirituous liquors or wines can be introduced into the Territory without an order by the War Department for that purpose.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

Hon. W. W. BELKNAP,
Secretary of War.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

[General Orders No. 57.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 15, 1874.

In accordance with the following opinion of the Attorney-General, paragraph 1 of General Orders No. 40, May 16, 1874, from this office, is hereby amended to read as follows:

The act of Congress of March 3, 1873, having extended the laws of the United States relating to customs, commerce, navigation, and trade, and intercourse with Indian tribes, &c., over the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia, by treaty concluded at Washington on the 20th day of March, A. D. 1867, the introduction into the Territory of Alaska of spirituous liquors and wines is prohibited, except it be done "by order of the War Department, or of any officer authorized thereto by the War Department." Such articles will be introduced into the Territory only upon special permits to be given from headquarters Military Division of the Pacific, or from the headquarters of the Department of the Columbia.

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Opinion.

DEPARTMENT OF JUSTICE,
Washington, June 3, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, in which you submit for my official opinion the following question:

"Has this Department authority to permit the introduction of spirituous liquors or wines into the Territory of Alaska, when the liquors and wines are not for the use of officers of the United States or troops of the service?"

Section 20 of the act of June 30, 1834, (4 Stats., 732,) imposes a penalty upon any person who should sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) or who should introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department.

By the act of February 13, 1862, (12 Stats., 339,) this section was amended so as to read as follows: "That if any person shall sell, exchange, give, barter, or dispose of any spirituous liquor or wine to any Indian under the charge of any Indian superintendent or Indian agent appointed by the United States, or shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, such person, on conviction thereof before the proper district court of the United States, shall be imprisoned for a period not exceeding two years, and shall be fined not more than three hundred dollars: *Provided, however*, That it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country if it be proved to be done by order of the War Department, or of any officer duly authorized thereto by the War Department," &c.

This act, though in the nature of an amendment, is a substitute for the whole of section 20 of the act of 1834, and nothing of said section not contained in said act is left in force. The only way to read said section is as provided in said act. According to said section 20, as it originally stood, no liquor or wine could be lawfully introduced into the Indian country, "except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department;" but in the act of 1862 this phraseology is changed, and it is provided "that it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country if it be proved to be done by order of the War Department, or of any officer authorized thereto by the War Department." I think the object and effect of this change were to invest the War Department with a jurisdiction over the introduction of spirituous liquors or wine into the Indian country, to be exercised at its discretion. The said act of February 13, 1862, was re-enacted, with some not material alterations, by the act of March 15, 1864, (13 Stats., 29,) and by the act of March 3, 1873, (17 Stats., 530,) was made applicable to the Territory of Alaska.

I therefore return an affirmative answer to your question.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

Hon. W. W. BELKNAP,
Secretary of War.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 25.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a Senate resolution of February 3, 1875, information in relation to affairs in Arkansas.

FEBRUARY 8, 1875.—Ordered to lie on the table and be printed.

To the Senate of the United States:

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession, not heretofore furnished, relating to affairs in the State of Arkansas.

I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that, in 1874, the constitution of the State was, by violence, intimidation, and revolutionary proceedings, overthrown, and a new constitution adopted and a new State government established.

These proceedings, if permitted to stand, practically ignore all rights of minorities in all the States; also, what is there to prevent each of the States, recently re-admitted to Federal relations on certain conditions, changing their constitution, and violating their pledges, if this action in Arkansas is acquiesced in?

I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress.

I earnestly ask that Congress will take definite action in this matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

EXECUTIVE MANSION, *February* 8, 1875.

[For testimony taken by Select Committee on Affairs in the State of Arkansas, see H. Rep. No. 771, 43d Cong., 1st session, and H. Rep. No. 2, 43d Cong., 2d session.]

Opinion of the supreme court of Arkansas in the case of Elisha Baxter vs. Joseph Brooks.—November term, 1874.

STATE OF ARKANSAS:

In the supreme court.

ELISHA BAXTER *vs.* JOSEPH BROOKS. } On certiorari to quash the judgment of Pulaski circuit court, declaring Brooks governor of Arkansas.

On the 12th day of November, 1874, plaintiff presented his petition

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to one of the judges of this court, in which he averred that defendant, on the sixteenth day of June, 1873, brought his action at law in the Pulaski circuit court against plaintiff. In his complaint in said action defendant alleged:

That on the 5th day of November, 1872, at a general election held on that day in the State of Arkansas, pursuant to the constitution and laws of said State, for the election, among other officers, of the governor of the State for the term of four years from the 1st day of January, 1873, said Joseph Brooks received the highest number of legal votes cast at said election for the office of governor aforesaid, &c.

That the said Joseph Brooks was in all respects legally qualified for said office—stating the facts which brought him within the constitutional requirements as to eligibility, and was entitled to be placed in possession thereof, and to enter upon the discharge of the duties of the same.

That on the 7th day of January, 1873, Elisha Baxter usurped the said office of governor, and from thence until the commencement of said action unlawfully withheld the same from said Joseph Brooks, and received the salary, fees, and emoluments pertaining to said office, amounting to the sum of $3,000; and in and by said complaint it was prayed that, by the judgment of said circuit court, the said Elisha Baxter be ousted from the office of governor, and that the said Joseph Brooks be declared entitled thereto, and placed in possession of the same, and he also have judgment against the said Elisha Baxter, for the salary, &c.

After thus reciting the contents of the complaint of Joseph Brooks, plaintiff, in his petition, further averred:

That he appeared to said action, and demurred to the complaint, because it appeared upon the face of said complaint that the said circuit court had no jurisdiction of the subject of said action; whereupon said circuit court overruled said demurrer, and rendered against said Elisha Baxter judgment of ouster from said office of governor, and also judgment for the sum of $2,218, with interest thereon at the rate of 6 per cent. per annum from date of said judgment, with costs. And the said circuit court further adjudged that the said Joseph Brooks was entitled to the said office of governor, and all books, papers, and other appurtenances thereto belonging, by virtue of the election in said complaint mentioned.

The plaintiff claimed that the court had no jurisdiction, and that its judgment was void, but the same being of record in the circuit court of Pulaski County, and will, as he believed, be used as a pretext for further attempts to harass and injure him, prays for a writ of certiorari, and that the proceedings and judgment of the Pulaski circuit court be quashed.

A duly certified copy of the record of the proceedings and judgment of the circuit court of Pulaski County, including a copy of all the original papers, is attached to this petition, and fully sustains its statements. On the above-mentioned day the writ was ordered by the Hon. William M. Harrison, to whom the application was made.

In response to this writ, the clerk of said circuit court has returned a full and complete transcript of the record in said cause; which, in every particular, corresponds with the transcript exhibited with the petition.

The record before us shows that the court below allowed the counsel of Brooks to submit the demurrer of Baxter, in the absence of his counsel, and decided the question in their absence; and instead of overruling the demurrer and requiring Baxter to answer, and giving him a

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right to deny the statements of the petition, and to a trial of the issue as directed by the code of practice of this State, rendered a final judgment ousting Baxter from the office of governor, and for $2,218. How the court arrived at this exact sum does not appear, as there was no regular assessment either by court or jury; and if the complaint was regarded as confessed, as the record states that the court held it to be, on the demurrer, for the purpose of ousting the governor, we cannot see how it failed to find $3,000 as the sum due for salary and emoluments, for that fact was as distinctly stated in Brooks's petition as any other allegation in it.

Baxter, on the 16th of April, 1874, filed his motion to correct the entry of 15th of April, which stated that the parties appeared, so as to have it appear that Baxter was not present by counsel or in person, when his demurrer was submitted; also, a motion to set aside the judgment, on several distinct grounds.

First. The demurrer of defendant to plaintiff's complaint was called up by the plaintiff's counsel and submitted in the absence, and without the knowledge or consent, of the counsel of Baxter.

Second. The demurrer was called up and submitted on a day other than the day fixed by the rules of the court for taking up and arguing demurrers and motions, and on a day when defendant's counsel had no reason to suppose it could or would be taken up, and when one of them was confined to his bed with severe illness.

Third. The counsel of the defendant understood the court to announce from the bench on Saturday last (that is, the Saturday before the Monday on which the case was called up and submitted by Brooks's party, *ex parte*) that, inasmuch as the Federal court would be in session the then coming week, no cases would be called during the week, in the absence of counsel engaged in the Federal court; hence the counsel of defendant, having business in the Federal court, did not deem it necessary to attend this court to look after this or any other case in which they were retained, and were absent when said demurrer was called up and submitted and when the final judgment was rendered.

Fourth. On the overruling of the demurrer the court proceeded at once to enter final judgment, when the judgment should have been that the defendant answer.

Fifth. The court rendered a final judgment on overruling the demurrer in the absence of the counsel for defendant, and without giving the defendant any time or opportunity or option to answer.

Sixth. The court proceeded to assess damages and render a money judgment against defendant without any proper submission to the court or a jury to ascertain the damages on proof.

Seventh. The court had no jurisdiction of the subject-matter of the suit, &c.

On the 17th day of April, 1874, was made the following order by the court below in the case:

And now comes the plaintiff, by his attorney, and the motion of the said defendant to correct a record-entry in this case heretofore filed coming on to be heard, and the court being of opinion that the said record-entry should be amended, it is ordered that the same be amended so as to read as follows:

And now comes the plaintiff, by his attorney, and this case being subject to call by the plaintiff, and it appearing to the court defendant, by his attorneys, was consenting to submission of the demurrer of the defendant to the complaint of the plaintiff herein, the same is submitted to the court, and by the court taken under advisement, and the motion of defendant heretofore filed herein to set aside the judgment heretofore rendered in this cause is by the court overruled.

As to how the fact appears that defendant was consenting to the sub-

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mission of his demurrer, and how plaintiff's counsel procured the right to submit defendant's demurrer for him, does not appear; as to this, the record is silent. Perhaps the court omitted to give us all the facts in the case which influenced its conclusions. Be this as it may, the record shows errors of a very gross kind; for which, were the case before us in a direct proceeding, its reversal would be inevitable, however anxious the court might feel, for the ends of justice, to sustain the judgment. But this is not a direct proceeding to reverse, but is an appeal to the superintending control of this court, and unless we find a want of jurisdiction over the subject-matter of the litigation, or excess of jurisdiction, we can do nothing in this mode of proceeding, and must leave the plaintiff to his remedy by appeal or writ of error.

Article 7, section 4, of the constitution of 1868, under which this case arose, provides that the supreme court shall have general supervision over all inferior courts of law and equity. It shall have power to issue writs of error, *supersedeas*, *certiorari*, *habeas corpus*, *mandamus*, *quo warranto*, and other remedial writs, and hear and determine the same. Final judgment in the inferior courts may be brought, by writ of error or appeal, into the supreme court. The constitution of 1874 is substantially the same. This section does not materially vary from section 2 of article 6 of the constitution of 1836, of which section 4, article 7, of the constitution of 1874 is a copy.

In this constitution the language is "superintending control," and instead of providing for appeals and writs of error, as is provided in the constitution of 1868, it simply provides that, except in cases otherwise directed in that constitution, the supreme court shall have appellate jurisdiction only. Both constitutions provide in the same language for the above-named writs. There is no material distinction between the three constitutions. On this subject they are substantially identical. Under the constitution of 1836 it has been repeatedly holden that there was an appellate jurisdiction and a power of superintending control over inferior courts, and in aid of this jurisdiction any one of the writs named in the constitution might be invoked; and, although there has been some difference of opinion as to the construction of these two sections in the two constitutions, to wit, in those of 1836 and 1868, as to whether there was in this court any power to issue any of the named writs in the exercise of an original jurisdiction, there has been no difference upon the question of supervising or superintending control. The construction upon that subject has been uniform under both constitutions. We might, therefore, under the constitution of 1868, as well as under that of 1836, class the powers therein given to this court as ordinary and extraordinary. The ordinary are invoked by appeal or writ of error; others, which are extraordinary in the sense that their exercise is unfrequent and also special, and are invoked whenever one of the special writs named is applicable, as *mandamus*, *certiorari*, and *quo warranto*, whether issued in the exercise of an appellate or original jurisdiction.

Where an inferior court usurps jurisdiction or exceeds that given by the constitution, the jurisdiction of this court may be invoked in such case to arrest the proceeding, as was done in the case of Berry *vs.* Wheeler, by writ of prohibition; or, after the inferior court has assumed to render judgment, the jurisdiction of this court may be invoked, and the writ of certiorari—for which the constitution makes provision—may issue to remove the case here. Where the constitution gives a superior superintending control over an inferior court, and the law provides no mode of its exercise, this is the proper remedy. (Carnall *vs.* Crawford

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County, *infra.*) In such case the supreme court can only quash or affirm, in the absence of statutory regulations. The distinction between ordinary and extraordinary powers of the court was clearly defined in the cases of Woods, *ex parte*, 3 Ark., 53, and Anthony, *ex parte*, 5 Ark., 358; and although these cases were overruled, the decisions are applicable to the constitution of 1868, as construed in the case of Price & Barton *vs.* Page, 25 Ark. And this matter is fully reviewed, and the powers and jurisdiction of the court, under the constitution of 1836, which is like that of 1874, fully defined in Carnall *vs.* Crawford County, 11 Ark., 604; Marr, *ex parte*, 12 Ark., 84; Allis, *ex parte*, 12 Ark., 102; Crise, *ex parte*, 16 Ark., 195; Good, *ex parte*, 19 Ark., 411; all of which cases arose under the constitution of 1836. The decision under the constitution of 1868 first followed these, (see Jones *vs.* Little Rock, 25 Ark., 284;) and afterward, in the case of Price & Barton *vs.* Page, (25 Ark., 527,) it was held that the constitution of 1836 and that of 1868 were different in this: that that of 1836 prohibited all original jurisdiction in this court, while that of 1868 did not; and therefore this court could take original jurisdiction whenever the writs named were the appropriate legal remedy. But upon this question of superintending control there has never been any difference in the construction of the two constitutions.

It has been holden that where there is no jurisdiction in the inferior court there can be none by appeal to the supreme court. (Latham *vs.* Jones, 6 Ark., 371; Collins *vs.* Woodruff, 9 Ark., 463; Pendleton *vs.* Fowler, 6 Ark., 41; Levy *vs.* Sherman, 6 Ark., 182; Ashley *vs.* Brazil, 1 Ark., 144.)

Where there is a want of jurisdiction or an excess, the remedy sought in this case is the appropriate, if not the only, remedy. An appeal would not be proper. (Ashley *vs.* Brazil, 1 Ark., 144; People *vs.* Judges of Suffolk, 24 Wend., 252.) *Certiorari* is the proper remedy where there has been an excess of jurisdiction, apparent on the face of the record; if it has to be made out by collateral facts, the writ does not lie. *Ex parte* Mayor of Albany, 23 Wend., 277; Rex *vs.* Somersetshire Justices, 6 Dowl. & Ryl., 469, 5 B. & Cress, 816; Queen *vs.* Inhabitants of Westham, 10 Mod., 159; Buckner, *ex parte*, 4 Eng. (9 Ark.) Rep., 73.

This last case was overruled in Marr, *ex parte*, (12 Ark., 84,) only so far as it held that an application might be made direct to this court, instead of applying to the circuit court. But this court has never overruled the principle announced in Buckner, *ex parte*, that where a court exceeds its jurisdiction, its acts are void, and its proceedings may, upon application to the proper tribunal, be removed by *certiorari* and quashed. A *certiorari* will not lie from this court to correct errors of an inferior court which could have been corrected on appeal. (Allston, *ex parte*, 17 Ark., 580.)

The superintending control of this court over the circuit court, and the power to arrest its action by prohibition, or quash its judgment on *certiorari* where it usurps jurisdiction, is indisputable.

The remaining inquiry, which will dispose of this case, is: Had the court below jurisdiction of the subject-matter of this suit?

The proceedings in this case in the court below were based upon the twelfth chapter of the Civil Code, for repealing or vacating charters, and preventing the usurpation of an office or franchise, and is especially based upon section 525 of the Civil Code, which section forms a part of said chapter, and is as follows: "Whenever a person usurps an office or franchise to which he is not entitled by law, an action by proceedings at law may be instituted against him, either by the State or the party

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entitled to the office or franchise, to prevent the usurper from exercising the office or franchise, to prevent the usurper from exercising the office or franchise." Under this section Mr. Brooks, claiming to be entitled to the office of governor, instituted suit in his own name against Baxter, in the Pulaski circuit court.

The 19th section of article 6 of the constitution of 1868 provides that "the returns of every election for governor, lieutenant-governor, secretary of state, treasurer, auditor, attorney-general, and superintendent of public instruction, shall be sealed up and transmitted to the seat of government by the returning-officers, and directed to the presiding officer of the senate, who, during the first week of the session, shall open and publish the same in the presence of the members then assembled. The persons having the highest number of votes shall be declared elected; but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by joint vote of both houses. Contested elections shall likewise be determined by both houses of the general assembly in such manner as is or may hereafter be prescribed by law."

Now here is a tribunal established by the constitution to try contested elections for governor. If that tribunal had exclusive jurisdiction over contested elections for governor, it will scarcely be contended by any one that the circuit court of Pulaski County had jurisdiction of this case; for the complaint claims to be nothing else than a dispute as to the result announced in the canvass of the vote for governor in 1872. If the creation of a tribunal before which such contests are to be heard establishes an exclusive jurisdiction, then the legislature will not be presumed to have intended to include the officers named in the constitution in that behalf in the provisions of chapter 12, Civil Code. For then, as to the officers named, the only subject left within legislative control by the constitution was to prescribe the mode of hearing the contestants, conducting its deliberations, and of announcing its conclusion. As to the question who shall compose the tribunal, and how it should be chosen and organized, the constitution itself had settled—the two houses of the general assembly.

The law in force at the adoption of the constitution of 1868, which was adopted by that constitution and continued in force, was found in chapter 62, section 100 and 101, Gould's Digest. The same provision has been carried into the new digest just published. (See Gantt's Digest, sections 2379, 2380, *et seq.*) This statute fully prescribes the method of conducting such contests before both houses in joint meeting, provides how the case shall be brought before them, and how notice shall be given and proof taken, &c., and is full and minute in all the details of the investigation. But without any law to regulate the proceedings in such case before the general assembly, the jurisdiction of the case would remain there, if it is exclusive. The mere failure on the part of the legislature to provide a mode of conducting the trial would no more oust the jurisdiction than a failure to establish laws governing actions before justices of the peace or probate courts would destroy their constitutional jurisdiction and give the power to bestow it somewhere else, by a simple enactment. Constitutions would be worth but little if they could be thus evaded.

Is the jurisdiction conferred by the constitution exclusive?

This court held in the case of attorney-general on the relation of Brooks *vs.* Baxter, (MSS. op., 1873,) that the jurisdiction thus conferred by the constitution on the general assembly was exclusive, and that neither this nor any other State court had jurisdiction to try a suit in relation

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to such contest, be the mode or form what it might, whether at the suit of the attorney-general, or on relation of the claimant through him, or by an individual alone claiming a right to the office; that such issue should be made before the general assembly, and that no other tribunal could determine the question.

In the case last cited, the very right which Brooks claimed in this case came up in his relation through the attorney-general, and this decision not only decided the question involved here, but decided the very case; and the institution of this proceeding, after such an announcement in this court, seems to us an effort to get an inferior court to review the decision of a superior, or at least an attempt through the inferior court to get the question again before this court. If this court had even erred in the first instance, its decision became the law of the case, which could never be disturbed or overruled in this case. (Jones, *ex parte*, 2 Ark., 93; Porter *vs.* Doe, 10 Ark., 186.)

The decision of this court, whether right or wrong, is the law of the case, and the mandate upon the circuit court is obligatory. (Pulaski County *vs.* Lincoln, 13 Ark., 103; Rector *vs.* Danley, 14 Ark., 304; Hubbard *vs.* Welch, 11 Ark., 151; Brooks *vs.* Hanauer, 22 Ark., 176.)

We might here content ourselves to rest this case. But as the question has been much discussed, and our conclusion may be disputed, we will be pardoned for entering into a fuller discussion of the reasons for concurring in the opinion heretofore delivered by the former court.

Mr. Berry, who ran for auditor on the same ticket with Mr. Brooks, instituted proceedings in the Pulaski circuit court, under the provisions of the same section of the code under which this case was instituted. Wheeler applied to this court by petition for writ of prohibition against the circuit judge, to arrest his action in the case. In that case the question here involved was again presented to this court, and was decided in the same manner, and the writ of prohibition was ordered. (See Wheeler *vs.* Whytock, MSS. opinion, 1873, cited in note to Gantt's Digest, page 477.)

The office of governor does not exist by virtue of the common law; it is a creation of the constitution. And it is well settled that where a new right, or the means of acquiring it, is conferred by a constitution or a statute, and an adequate remedy is given by the same authority which created the right, parties injured are confined to the redress thus given. (The State *vs.* The relation of Gresell *vs.* Marlow, 15 Ohio State Rep., 114; Smith *vs.* Lockwood, 13 Barb., 209; Dudley *vs.* Mahew, 3 Comst., 9; Sedgwick on Stat. and Cons. Law, 94; Com. on relation of Attorney-General *vs.* Garrigues, 28 Penn. St. Rep., 9; Com. *vs.* Baxter, 35 id., 263; Com. *vs.* Leech, 44 id., 332; Prinde *vs.* Carter, 1 Hill, S. C., 53.)

The above-cited authorities bear directly upon this question, and many of them are directly in point and conclusive of the question.

The case above cited from 15 Ohio State Rep. is strongly in point with this. There, under provisions similar to ours, wherein a specific mode of contesting elections was provided by statute according to the requirements of the constitution, the supreme court of that State decided that this specific mode alone could be resorted to, to the exclusion of the common mode of inquiry by proceedings in *quo warranto*.

Hon. T. M. Cooley, a distinguished writer upon constitutional law, and one of the law professors in the university, and a judge of the supreme court of Michigan, in an article in the International Review, of New York, for January and February, 1875, fully and ably reviewed this whole question under the title, "Guarantee of order and repub-

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lican government in the States." At page 74 of said review, after fully setting forth his reasons for the conclusion, he uses this language: "And by the constitution of Arkansas, the legislature had wisely been vested with complete and final authority in the premises." And in a note Judge Cooley quotes the provisions of our constitution in reference to contested elections for governor, and concludes: "To our mind there can be no plausible suggestion that the decision of the general assembly on such a contest is open to judicial review afterward; but it may not be inappropriate to refer to Grier *vs.* Shackelford, S. C. Constitutional Rep., 642. Batman *vs.* Megowan, Metc. Ky. Rep., 533; State *vs.* Marlow, 15 Ohio State Rep., 134; People *vs.* Goodwin, 22 Mich. Rep., 496, *et al.*, are in point."

Pending the disturbances which followed the decision in this case, four of the former judges of this court assumed to open this court, notwithstanding the constitution, article 7, sec. 3, provided that it should consist of one chief-justice and four associate justices, and heard an application in behalf of Joseph Brooks *vs.* Henry Page, State treasurer, to compel him to hand over money claimed to have been appropriated for suppressing insurrections by an old law on the statute-books since 1838. To the statement made in reference to this simulated case by Attorney-General Williams, in the opinion herein referred to, we will add the additional statement that the old statute upon which it was assumed to be based was repealed in 1868, by act approved July 23d of that year, as follows:

Be it enacted by the general assembly of the State of Arkansas:

SECTION 1. That all acts and parts of acts making appropriations for any purpose whatever, passed by the general assembly of the State previous to the first day of January, anno Domini 1868, be, and the same are hereby, repealed.

SEC. 2. That the amount of, or balance remaining unpaid under, said appropriations, shall remain in the treasury of the State as unappropriated funds until otherwise provided by law. (See Acts of 1868, page 228.)

Those four judges ordered the treasurer to pay Brooks money on a statute that had been repealed nearly six years.

And we will add the further comment, that while the constitution of 1836 provided that a majority of the judges of this court should constitute a quorum, that of 1868 required as above stated. And although the legislature, early after the organization of the court under the Constitution of 1868, had passed an act authorizing the court to be holden by a majority of the judges, yet the members of the court had, up to this time, refused to open unless they were all present; and on more than one occasion had the court been postponed on account of the absence of one member. The judges very properly held that the constitution having prescribed that the court should consist of one chief-justice and four associate justices, it was not competent for the legislature to say it should consist of more or less; and for six years had the court thus acted. Until this case, there had been no pretense of authority in four judges to open the court. Under the circumstances we would not be expected to respect this case. But it only assumed to decide, in effect, that the decision of the court below in this case was entitled to respect until set aside by this court.

It has been, also, seriously contended that the decision of an inferior court, on the question of its own jurisdiction, is as conclusive as any other decision until reversed. This is the announcement of a general rule without noting and properly applying its exceptions.

It is true, as a general rule, that the question of jurisdiction is, *prima facie*, within the power of every court to determine for itself, and the decisions of an inferior court, on this question, are, ordinarily, as bind-

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ing as any other decision. But to this there are exceptions, as well established as the rule. One of the exceptions to this rule is, where the want of jurisdiction appears, as in this case, on the face of the proceedings. In such case, it is simply void *ab initio*. (State *vs.* Scott, 1 Baily, 294.) To hold otherwise would be to run into the most monstrous absurdities. Suppose the county court of Pulaski County—which has jurisdiction only over the fiscal matters, roads, paupers, and internal affairs of the county, and has no criminal jurisdiction whatever—were to summon a grand jury, receive at its hands an indictment for murder, and thereon proceed, in the mode prescribed by the criminal code, to trial and conviction, and should upon this, sentence the person charged with the crime to be hung. In such case the want of jurisdiction would be apparent on the face of the proceedings. Yet if we lose sight of the exception above indicated, the sheriff would be bound to obey the county court and hang the man. Suppose he did so, would any court fail to hold him for the crime he had attempted to punish? Would the sentence of the county court protect him? This is a strong case, and perhaps would never occur; yet it illustrates the importance of the exception; but scarcely more strongly than the case before us, wherein the court below not only disregarded a plain provision of the Constitution, not only went in the teeth of the decisions of this court, twice pronounced, but in one of them a prohibition had been issued to this very judge; and in the other, the very case before him here was decided by this court, holding that neither this court nor any other in the State had jurisdiction. If such proceeding as that is to be respected until set aside by this court and is to command obedience, even from this court, it is difficult to see what stage of insubordination and assumption of jurisdiction would not be equally entitled to obedience and respect.

We cannot better crown this pyramid of authority for the conclusion we reach than by citing in full the elaborative and exhaustive opinion of the Attorney-General of the United States, when this question came before him officially, and wherein it became his duty to investigate it judicially, and upon his opinion the most momentous action of the President of the United States is based; and when we remember that the Supreme Court of the United States has repeatedly held that the decisions of the political department of the Government on these questions are final, we cannot overrate their importance. (Luther *vs.* Borden, 7 Howard, 1; Rose *vs.* Himly, 4 Cranch, 241; Kennet *vs.* Chambers, 14 Howard, 38; United States *vs.* Probasco, 11 Am. L. Rev., 419.) Aside from these considerations, the position and distinguished ability of the officer, as well as the conclusive reasoning of the opinion, entitled it to the highest respect.

DEPARTMENT OF JUSTICE, *Washington, May* 15, 1874.

To the President:

SIR: Elisha Baxter, claiming to be governor of Arkansas, having made due application for executive aid to suppress an insurrection in that State, and Joseph Brooks, claiming also to be governor of said State, having made a similar application, and these applications having been referred by you to me for an opinion as to which of these two persons is the lawful executive of the State, I have the honor to submit: That Baxter and Brooks were candidates for the office of governor at a general election held in Arkansas, on the fifth day of November, 1872. Section 19, of article 6, of the constitution of the State provides that "the returns of every election for governor, lieutenant-governor, secretary of state, treasurer, auditor, attorney-general, and superintendent of public instruction shall be sealed up and transmitted to the seat of government by the returning-officers, and directed to the presiding officer of the senate, who during the first week of the session shall open and publish the same in the presence of the members there assembled. The person having the highest number of votes shall

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be declared elected, but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by joint vote of both houses. Contested elections shall likewise be determined by both houses of the general assembly in such a manner as is or may be prescribed by law."

Pursuant to this section the votes for governor at the said election were counted, and Baxter was declared to be duly elected. Said section, as it will be noticed, after providing for a canvass of the votes, specially declares "contested elections shall likewise be determined by both houses of the general assembly in such manner as is or may hereafter be prescribed by law." When this constitution was adopted there was a law in the State, which continues in force, prescribing the mode in which the contest should be conducted before the general assembly; the first section of which is as follows: "All contested elections of governor shall be decided by joint vote of both houses of the general assembly, and in such joint meeting the president of the senate shall preside." Brooks accordingly presented to the lower house of said assembly his petition for a contest, but by the decisive vote of sixty-three to nine it was rejected by that body. Subsequently the attorney-general, upon the petition of Brooks, applied to the supreme court of the State for a *quo warranto* to try the validity of Baxter's title to the office of governor, in which it was alleged that Baxter was a usurper, &c. That court denied the application, upon the ground that the courts of the State had no right to hear and determine the question presented, because exclusive jurisdiction in such cases had been conferred upon the general assembly by the constitution and laws of the State. Brooks then brought suit against Baxter in the Pulaski circuit court, under section 525 of the civil code of Arkansas, which reads as follows: "Whenever a person usurps an office or franchise to which he is not entitled by law, an action by proceedings at law may be instituted against him, either by the State or the party entitled to the office or franchise, to prevent the usurper from exercising the office or franchise." Brooks stated in his petition that he received more than 45,000 votes, and that Baxter received less than 30,000 votes for governor at the said election, and after declaring that Baxter had ursurped the office, prays that it may be given to him by the judgment of the court, and that he may recover the sum of $2,000, the emoluments of said office withheld from him by Baxter. This presented to the court the simple question of a contest for the office of governor. Baxter demurred to this petition, on the ground that the court had no jurisdiction of the case; and afterward, on the 15th of April, the court, in the absence of the defendant's counsel, overruled the demurrer, and without further pleading or any evidence in the case, rendered judgment for Brooks in accordance with the prayer of his petition. Brooks within a few minutes thereafter, without process to enforce the execution of said judgment, and with the aid of armed men, forcibly ejected Baxter and took possession of the governor's office. On the next day after the judgment was rendered, Baxter's counsel made a motion to set it aside, alleging, among other things, as ground therefor, that they were absent when the demurrer was submitted and the final judgment thereon rendered; that the judgment of the court upon overruling the demurrer should have been that the defendant answer over, instead of which a final judgment was rendered without giving any time or opportunity to answer the complaint upon its merits; that the court assessed the damages without any jury or evidence, and finally that the court had no jurisdiction over the subject-matter of the suit; but the next day this motion was overruled by the court. Section 4, article 4, of the Constitution of the United States is as follows: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature or of the executive (when the legislature cannot be convened) against domestic violence." When in pursuance of this provision of the Constitution the President is called upon by the executive of a State to protect it against domestic violence, it appears to be his duty to give the required aid, and especially when there is no doubt about the existence of the domestic violence; but where two persons, each claiming to be governor, make calls respectively upon the President under said clause of the Constitution, it of course becomes necessary for him to determine in the first place which of said persons is the constitutional governor of the State. That section of the constitution of Arkansas heretofore cited, in my opinion, is decisive of this question as between Baxter and Brooks. According to the constitution and laws of the State, the votes for governor were counted, and Baxter declared elected, and was at once duly inaugurated as governor of the State. There is great difficulty in holding that he usurped the office into which he was inducted under these circumstances. Assuming that no greater effect is to be given to the counting of the votes in presence of the general assembly than ought to be given to a similar action by any board of canvassers, yet when it comes to decide a question of contest the general assembly is converted by the constitution into a judicial body, and its judgment is as conclusive and final as the judgment of the supreme court of the State on any matter within its jurisdiction. Parties to such a contest plead and produce evidence according to the practice provided in such cases, and the controversy is invested with forms and effect of a judicial procedure. When the people of the State declared in their constitution that

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a contest about State officers shall be determined by the general assembly, they cannot be understood as meaning it might be determined in any circuit court of the State. To say that a contest shall be decided by decision, and then to say after the decision is made that such contest is not determined, but is as open as it ever was, is a contradiction in terms. Can it possibly be supposed the framers of this constitution when they declared contested elections about State officers, including the governor, should be determined by the general assembly, intended that any such contest should be just as unsettled after as it was before such determination of it? Manifestly they intended to create a special tribunal to try claims to the high offices of the State. But the tribunal is not special if the courts have concurrent jurisdiction over the subject. Brooks appears to claim that when a contest for governor is decided by the general assembly the defeated party may treat the decision as a nullity and proceed *de novo* in the courts. This makes the constitutional provision as to the contest of no effect, and the proceedings under it an empty form. When the house of representatives dismissed the petition of Brooks for a contest, it must be taken as a decision of that body on questions presented in the petition. But it is not of any consequence whether or not the general assembly has in fact decided the contest, if the exclusive jurisdiction to do so is vested in that body by the constitution and laws of the State. Section 4, of article 5, of the constitution of Arkansas, like most other constitutions, declares that each house of the assembly shall judge of the qualifications, election, and return of its members, and it has never been denied anywhere that these words confer exclusive jurisdiction. But the terms, if possible, are more comprehensive by which the constitution confers upon the legislative assembly jurisdiction to judge of the election of State officers. Doubtless the makers of the constitution considered it unsafe to lodge in the hands of every circuit court of the State the power to revolutionize the executive department at will, and their will is forcibly illustrated by the case under consideration, in which a person who had been installed as governor according to the constitution and laws of the State, after an undisturbed incumbency of more than a year, is deposed by a circuit judge and another person put in his place upon the unsupported statement of the latter that he had received a majority of votes at the election. Looking at the constitution alone it is perfectly clear to my mind that the courts of the State have no right to try a contest about the office of governor, but that exclusive jurisdiction over that question is vested in the general assembly. This view is confirmed by judicial authority. Summing up the whole discussion, the supreme court of Arkansas say, in the case of the Attorney-General *vs.* Baxter, above referred to, "Under this constitution the determination of the question as to whether the person exercising the office of governor has been duly elected or not is vested exclusively in the general assembly of the State, and neither this nor any other State court has jurisdiction to try a suit in relation to such contest, be the mode or form what it may; whether at the suit of the attorney-general, or on the relation of a claimant through him, or by an individual alone claiming a right to the office. Such an issue should be made before the general assembly; it is their duty to decide, and no other tribunal can determine that question. We are of opinion that this court has no jurisdiction to hear and determine a writ of *quo warranto* for the purpose of rendering a judgment of ouster against the chief executive of this State, and the right to file an information and issue a writ for that purpose is denied." Some effort has been made to distinguish this case from that of Brooks *vs.* Baxter in the circuit court by calling the opinion a dictum; but the point presented to and decided by the supreme court was that in a contest for the office of governor the jurisdiction of the general assembly was exclusive, which, of course, deprived one court as much as another of the power to try such a contest. There is, however, another decision made by the same court on the precise question presented in the case of Brooks *vs.* Baxter. Berry was a candidate for State auditor on the same ticket with Brooks. Wheeler, his competitor, was declared elected by the general assembly. Berry then brought a suit under said section 525, in the Pulaski circuit court, to recover the office. Wheeler applied to the supreme court for an order to restrain the proceedings, and that court issued a writ of prohibition forbidding the said court to proceed, on the ground that it had no jurisdiction in the case as to the question of law involved. The cases of Berry and Brooks are exactly alike. That this circuit court should have rendered a verdict for Brooks under these circumstances is surprising, and it is not too much to say that it presents a case of judicial insubordination which deserves the reprehension of every one who does not wish to see public confidence in the certainty and good faith of judicial proceedings wholly destroyed. Chief-Justice McClure, who dissented in the case of the Attorney-General *vs.* Baxter, delivered the opinion of the court in the Wheeler case, in which he uses the following language: "The majority of the court in the case of the State *vs.* Baxter, under the delusion that *quo warranto* and a contested election proceeding were convertible remedies having one and the same object, decides that neither this nor any other State court, no matter what the form of action, has jurisdiction to try a suit in relation to a contest for the office of governor. As an abstract proposition of law, I concede the correctness of the rule, and would have assented to it if the question had

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been before us. The question now before this court is precisely one of contest and nothing else. As to all matters of contested elections for the offices of governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction, I am of the opinion that it can only be had before the general assembly."

He then adds in conclusion: "I think a writ of prohibition ought to go to prohibit the circuit court from entertaining jurisdiction of that portion of Berry *vs.* Wheeler that has for its object a recovery of the office." All five of the judges heard this case, and there was no dissent from these views as to the question of jurisdiction. To show how the foregoing decisions are understood in the State, I refer to a note by the Hon. H. C. Caldwell, judge of the United States court for the eastern district of Arkansas, upon section 2379 of the Digest of the Statutes of the State lately examined and approved by him, which is as follows: "By the provisions of section 19, of article 4, of the constitution, the jurisdiction of the general assembly over cases of contested election for the officers in said section enumerated is exclusive." (Attorn y-General on the relation of Brooks *vs.* Baxter, MS. Op., 1873; Wheeler *vs.* Whytock, MS. Op. 1873.)

It is assumed in the argument for Brooks that the judgment of the Pulaski circuit court is binding as well upon the President as upon Baxter until it is reversed; but where there are conflicting opinions, as in this case, the President is to prefer that one which, in his opinion, is warranted by the constitution and laws of the State. The general assembly has decided that Baxter was elected. The circuit court of Pulaski County has decided that Brooks was elected.

Taking the provision of the constitution which declares that contested elections about certain State officers, including the governor, shall be determined by the general assembly, and that provision of the law heretofore cited which says that all contested elections of governor shall be decided by the legislature, and the two decisions of the supreme court affirming the exclusive jurisdiction of that body over the subject, and the conclusion irresistibly follows that such judgment of the circuit court is void. A void judgment binds nobody. Said section 525, under which this judgment was rendered, must be construed with reference to the constitution and other statutes of the State, and is no doubt intended to apply to county and other inferior officers for which no provision elsewhere is made. But the constitution takes the State officers therein enumerated out of the purview of this section and establishes a special tribunal to try these contested-election cases to which they are parties. The jurisdiction of this tribunal is exclusive. (Ohio *vs.* Grisell and Menlon, 15 Ohio, 114; Attorney-General *vs.* Garragues, 28 Penn., 9; Commonwealth *vs.* Baxter. 35 ib., 263; Commonwealth *vs.* Leech, 44 ib., 332.) Respecting the claim that Brooks received a majority of the votes at the election, it must be said that the President has no way to verify that claim. If he had it would not, in my opinion, under the circumstances of this case, be a proper subject for his consideration. Perhaps if everything about the election was in confusion and there had been no legal count of the votes the question of majorities might form an element of discussion; but where, as in this case, there has been a legal count of the votes, and the tribunal organized by the constitution of the State for that purpose has declared the election, the President, in my judgment, ought not to go behind that action to look into the state of the vote. Frauds may have been committed there to the prejudice of Brooks, but unhappily there are few elections where partisan zeal runs high in which the victorious party, with more or less truth, is not charged with acts of fraud. There must, however, be an end to controversy upon the subject. Somebody must be trusted to count votes and declare elections. Unconstitutional methods of filling offices cannot be resorted to because there is some real or imagined unfairness about the election. Ambitious and selfish aspirants for office generally create the disturbance about this matter, for the people are more interested in the preservation of the peace than in the political fortunes of any man. Either of the contestants with law and order is better than the other with discord and violence. I think it would be disastrous to allow the proceedings by which Brooks obtained possession of the office to be drawn into precedent. There is not a State in the Union in which they would not produce a conflict, and probably bloodshed. They cannot be upheld or justified upon any ground, and in my opinion Elisha Baxter should be recognized as the lawful executive of the State of Arkansas.

Since the foregoing was written I have received a telegraphic copy of what purports to be a decision of the supreme court of Arkansas, delivered on the 7th instant, from which it appears that the auditor of the State, upon the requisition of Brooks drew his warrant on the treasurer for the sum of one thousand dollars, payment of which was refused. Brooks then applied to the supreme court for a writ of mandamus upon the treasurer, who set up by way of defense that Brooks was not governor of the State, to which Brooks demurred, and thereupon the court say: "The only question we deem it necessary to notice is, did the circuit court have jurisdiction to render the judgment in the case of Brooks *vs.* Baxter? We feel some delicacy about expressing an opinion upon the question propounded, but under the pleadings it has to be passed upon incidentally if not absolutely in determining whether the relator is

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entitled to the relief asked, for his right to the office, if established at all, is established by the circuit court of Pulaski County. We are of opinion that the circuit court had jurisdiction of the subject-matter, and its judgment appears to be regular and valid. Having arrived at these conclusions the demurrer is overruled, and the writ of mandamus will be awarded as prayed for." To show the value of this decision it is proper that I should make the following statement: On the 20th of April, Brooks made a formal application to the President for aid to suppress domestic violence, which was accompanied by a paper signed by Chief-Justice McClure and Justices Searle and Stephenson, in which they stated that they recognized Brooks as governor, and to this paper also is appended the name of Page, the respondent in the above-named proceeding for mandamus. Page, therefore, did not refuse to pay the warrant of the auditor because he did not recognize Brooks as governor, but the object of his refusal evidently was to create such facts as were necessary to make a case for the supreme court. Accordingly the pleadings were made up by the parties, both of whom were on the same side in the controversy, and the issue so made was submitted to judges virtually pledged to give the decision wanted, and there, within the military encampment of Brooks, they hurriedly, but with delicacy, as they say, decided that he is governor, a decision in plain contravention of the constitution and laws of the State, and in direct conflict with two other recent decisions of the same court deliberately made. I refrain from comment. More than once the Supreme Court of the United States has decided that it would not hear argument in a case made up in this way, and a decision obtained under such circumstances is not recognized as authority by any respectable tribunal. No doubt this decision will add to the complications and difficulties of the situation, but it does not affect my judgment as to the right of Baxter to the office of governor, until it is otherwise decided upon a contest made by the legislature of the State. On the 11th instant, the general assembly of the State was convened in extra session upon the call of Baxter, and both houses passed a joint resolution pursuant to section 4, of article 4, of the Constitution of the United States, calling upon the President to protect the State against domestic violence. This call exhausts all the means which the people of the State have under the Constitution to invoke the aid of the Executive of the United States for their protection, and there seems to be, under the circumstances of the case, an imperative necessity for immediate action.

I have the honor to be, with great respect,

GEORGE H. WILLIAMS,
Attorney-General.

We will not attempt to add anything to this opinion, on the subject of jurisdiction.

We have discussed the remedy sought in this case, because this is the first time, since this government began, in 1836, that this court has been asked to remove a judgment of a circuit court by *certiorari* and to quash it for a want of jurisdiction. The fact is a compliment to the skill of the makers of our several constitutions, who were able to free them from obscurity on this question of jurisdiction, and is a tribute to the intelligence and integrity of our judiciary. There are but two cases in which this court has been asked to quash the indictments of an inferior court for want of jurisdiction, and they were county courts—in Buckner, *ex parte*, above cited, and Hudson et al. *vs.* Jefferson County, opinion 1873—and the remedy asked in this case was refused in Buckner, *ex parte*, because the application was premature.

If the title to the office of governor had been determined in Brooks's favor by a competent tribunal, he might have sued in the Pulaski circuit court for his salary; but the right to this is but an incident, and follows the right to the office of governor as the shadow follows the substance; and before the Pulaski circuit court could, in this case, take jurisdiction of the incident, it must determine the principal question, to wit, the right to the office. We find, therefore, in this case, an excess of jurisdiction in rendering a money judgment. The case can be distinguished from that of Wheeler *vs.* Whytock, wherein this court refused to prohibit the court below from retaining the jurisdiction for the salary, leaving it there to be progressed with when the right to the office of auditor, involved in that case, should be properly determined. Here

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the court below assumed to decide both. But if Wheeler *vs.* Whytock was in conflict with these views, we should not hesitate to overrule it.

Finding that the court below had no jurisdiction over the subject-matter of this suit, nor of any of its incidents, and that its proceedings and judgment in this cause are void, the judgment must be quashed.

Message of Governor Elisha Baxter to the legislature which convened at Little Rock on the 10th day of November, 1874, under the provisions of the constitution declared ratified on the 31st of October, A. D. 1874.

EXECUTIVE DEPARTMENT, STATE OF ARKANSAS,
Little Rock, November 10, 1874.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES: In communicating with you, in the manner provided in the constitution of the State, I cannot but congratulate you at the close of my term of office on the favorable auspices under which you have assembled for such legislation as the public needs may seem to demand. The new constitution has lately been ratified by a very large majority of the electors of the State, and has become the fundamental law of the land, the great charter of private and individual liberty. The popular will, thus signally manifested, sufficiently evinces the fact that it is well suited to the necessities of the country, and the habits of the people for whom it was framed. Owing to the political troubles which have so long afflicted this State, that instrument has been attentively scrutinized, both at home and abroad; and, although it has met with determined hostility on the part of office-holders, and those immediately subject to their control, yet it has not been made the subject of any adverse criticism. While it applies the great level of the law to all men, knowing no distinction of rank or race, it defines, with great precision, the powers of the government, and of each department thereof, in such wise as to secure harmony, economy, and efficiency in the operations of all the branches of the public service. The results of our unhappy experience are embodied in the axiom that power cannot be anywhere so safely lodged as in the hands of the common people, without discrimination of class. As the laws which they make must largely influence their individual and collective prosperity and misfortune, the vast power which the people have reserved to themselves will call for a more general and graver attention to public affairs, the exercise of which should naturally conduce to educate the popular mind to the advancement of all the important objects for which governments are established, so that the mistakes of the present may be rectified and amended by that wisdom which is the fruit of renewed efforts and increased experience. The practical working of a government affords the highest test of civilization. The organic law, although cordially accepted by the people, may be attributed to the sagacity of a few cultivated and deliberate minds. It is for the people alone, by unceasing vigilance, a spirit of mutual concession, and an habitual obedience to the laws, to manifest their devotion to the best interests of society, and to energize the fundamental principles of government, in order that they may procure their legitimate fruits of peace, associated with intellectual, moral, and physical advancement.

It should be a matter of common congratulation that, notwithstanding every effort made to sow the seeds of discord and propagate vio-

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lence, the period of transition from the old government to the new has been one of unusual good order and quietude, showing that the strong desire of the people is for peace and good fellowship. The prospect of a new constitution, guaranteeing fair elections and a just administration of the government, was at once accepted as a compensation for all temporary evils growing out of the known defects of the constitution of 1868, and various improper and oppressive laws enacted under the same. That constitution, the product of all the exciting passions aroused by civil war, was armed with despotic power. It effectually divided the people into two classes by lines of demarkation not intended to be easily effaced—the governing and the governed. To the former were given a very large appointing-power, and a system of registration which made the popular elections variable only at the will of returning-officers who were entirely subject to the control of the chief executive; for the latter it provided a constantly decreasing prosperity, the inevitable accompaniments of bad laws and heavy taxation, corrupt courts and irresponsible officers, while they were made the subjects of such abuse as was deemed most likely to palliate and withdraw attention from such an anomaly of government. Extraordinary circumstances had placed a few men in power to whom its exercise was unfamiliar; they adopted extraordinary means for keeping it. Owing no favors to the people, they repudiated the ties by which, in republican governments, society is bound together, and conceded them no rights. The skillful arts of the demagogue, by which he flatters a too willing populace by false attributions of wisdom and virtue, have long supplied a fruitful theme for patriots and moralists. But whoever on that account should attempt to degrade both the flatterers and the flattered, could not but concede that the picture is suggestive of the most important fact in the history and institutions of any people, namely, that the people in question are free; that by a long series of proud revolts they have broken the iron bands of despotism which encircle the past of every race, and have thereby conquered the sovereign right to be addressed in terms of respect. For the past few years those claiming a right to hold office perpetually in this State, have for the most part made themselves conspicuous by vituperation of those who they pretended had elevated them to official position.

In a monarchy the sovereign may regard his realm as a patrimony, to be transmitted, unimpaired, to his posterity, and his government may be marked by a severe regard to economy; but extravagance is the natural concomitant of despotism when vested in the hands of adventurers, whose precarious tenure, acquired by the violent combinations of revolution, is derived from no paternal source, and necessarily dies with the possessor. Accordingly, the country has been wasted by a system of extravagance which is as little in accordance with the tastes of the people as with the maxims of good government. Assessors, sworn only not to assess property for too little, and paid for their services in proportion to the amount of their assessments, scrupled not to oppress the owners of property by affixing fictitious and sometimes fabulous values. Not infrequently it was proclaimed that the object was to reduce all to a uniform level of property; a system of agrarianism, however, which did not include the inventors of this simple system of promoting the public prosperity, from whose overreaching and all-pervading avarice there was no escape save by joining in the general pillage. Officers were multiplied and diffused throughout the country, being mostly of such men as had never held office before, and yet seemed to be incapable of any other pursuit. For their support enormous taxes were levied

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and were enforced by the most stringent and unrelenting proceedings. Taxes from three to six per cent. on every species of property, both animate and inanimate, on high assessments, soon bore their legitimate fruits. From 1868 until 1874 it is supposed fully one-half of the lands belonging to private owners passed under the tax-gatherer's hammer. At the close of the rebellion the fine cotton and grain lands of the State attracted attention, and they sold at prices not inferior to any which they had at any time borne; but these prices were soon effaced by the application of a theory that it was a burthen to own them. Farmers preferred to rent rather than to own lands, and this situation brought about all the evils of absenteeism. The tenant, regarding only the interest of an annual holding, suffered the improvements to go to decay, and hence the annual profits of the land continually decreased. In a bad year the tenant could not pay his rents, and the landlord could not meet his taxes. While a good many abandoned the State in order to avoid these growing evils, a still greater loss was sustained by a sudden check to immigration. Blessed with a mild and genial climate, and a great diversity of unoccupied lands, it might have been expected that the wealth and prosperity of the State would be increased by an increase of inhabitants. Between 1850 and 1861, the fatal dawn of civil war, the population of the State, notwithstanding the depressing influence of slavery, had been doubled in number. Since 1868 the population has not increased, and it is probable the wealth of the people has diminished. The pioneer looked aghast at the advantages of a country which seemed to be only susceptible of conversion into public spoil.

The actual resources of the State were inadequate to meet the demands which were made upon them. High taxes failed to keep pace with exorbitant expenditures. Office-holders, beginning with no estates of their own, and disclaiming any enduring connection with the soil, intoxicated with opportunities for making money suddenly opened to them, indulging the most excessive visions of wealth, aggregated themselves into railroad companies, representing lines marked in haste on the surface of a map, the endowment of which became the chief occupation of government. So great was their precipitation in opening up this El Dorado, that a law, hastily drawn, was submitted to the people at what purported to be a popular election, at a time when the law had not gone into effect for the purpose of the submission. Bonds were issued, pledging the State credit, with a prodigality not unworthy the airy schemes they pretended to promote. They formed a basis for the beginning of operations on several roads, which led in their turn to still wider prodigality, until the projects succumbed beneath the weight of unbounded dishonesty and peculation; but not until the original recipients of these bonds had "placed" them wherever, in the civilized world, a dupe could be found. In the mean time, the Cairo and Fulton Railroad, traversing the entire State, was successfully built without the aid of any gratuity on the part of the State, and there is every reason to believe that the issuing of millions of dollars in railroad bonds has been only an obstruction in the construction of railroads within our borders. While the State was being thus despoiled, the annual revenues were continually falling farther and farther behind the annual expenditures, and the county and municipal governments, to which every facility was afforded for issuing bonds and getting in debt, were following rapidly in the same downward road. Salaries and perquisites were increased, until a short term of office implied for the possessor the retiring with a fortune, or the enjoyment of a season of great and superfluous resources. Bonds and scrips, State,

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county, and municipal, supplied the place of money, and the first success in realizing something near par value on these issues opened new prospects of inexhaustible wealth; but when prices presently declined, enormous taxation only brought back enormous quantities of paper, until the government seemed destined to perish of want in the midst of this false abundance. The inflation of paper-issues had mitigated the burdens of taxation; but, in the mean time, evil principles of government had struck a fatal blow at all values, and the new impulse needed to revive them was not at hand. The very mention of the rates of taxation was sufficient to prevent capital from flowing into the State. Those who held office were desirous of keeping up such a state of affairs at home and such impressions abroad as would enable them, in case of any failure of their plans for perpetuating their power by pretended elections, in which electors might be proscribed without responsibility, or counties or townships thrown out and not counted, as occasion might require, to make an appeal to the Federal Government for the retention of some kind of a protectorate over the people of the State, on the assumed ground that they were not fit for self-government, hoping to be favored in a result which they had successfully produced, by still being continued in offices, both State and Federal, which they monopolized, and, therefore, they kept up a system of detraction of the people of the State, masking their work of public plunder by pretensions that there was a hostility among the people toward the Federal Government, toward northern immigrants, and toward the lately liberated slaves, unfounded libels, which have damaged the State to the extent of millions of dollars; particularly by keeping from the State the honest and industrious classes of the North, who were desirous of settling in the State, who, by reason of strength and a fair representation of matters abroad, would have secured to us an earlier return to the principles of self-government.

Representations thus made of a supposed hostility of the whites toward the blacks were intended also for home use, and for political effect among the colored people. But one of the most favorable indications of the future lies in the fact that years of malignant effort have failed to produce any real alienation between them. The proportion of whites to blacks is about three to one. No White Leagues or similar associations, based on hostile feeling growing out of color, exist in this State. Our statute-book already contains a law conceding to the colored race all the privileges which have ever been claimed for them in Congress or elsewhere. The different races do not occupy hostile camps, regarding each with mutual fear and jealousy, as is sometimes supposed by those who know nothing of the country. They live under the same roof; they cultivate the same fields; by the prevailing system of agriculture they generally have a common interest in the crops, and disputes between them are very rare, mutual dependence naturally producing mutual concession. The new constitution does not contemplate that whites and blacks shall be appealed to in a different sense, but that both shall be recognized as equal citizens, pursuing their happiness with equal protection and equal rights.

That the most untrue representations of these matters should have been made will not seem surprising, when we recall to mind that a few months ago the same parties who made them attempted to usurp the government of the State, boldly pledging the Federal Government in advance to the support of their desperate schemes, and then appealed to public sympathy abroad by proclaiming that their lives would not be safe unless they were upheld in their raid on the liberties of the people,

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a declaration which they have falsified by the enjoyment of that freedom and protection which enables them, by a kind of inverted patriotism, to distort facts, pervert truth, and invent slanders upon a country and a people of whom they pretend to be the natural and best guardians. For the first time, perhaps, in the history of mankind, an attempt is made to organize defamation into a regular system, as if it were for the purpose of carrying on some regular corporate or associated business; bureaus are established, and every disappointed office-holder, any person has any real or fancied grievance against society, is invited to furnish his quota of misrepresentation, invented or embellished in such manner as his imagination or skill may enable him and his taste suggest. Were the objects of this enterprise to develop any latent talent for fiction among the contributors, it might excite a smile; but when it is considered that the object is to get up a political capital, upon such terms as tend to dispel good order from society, it must fall beneath the contempt of every person having sense of manhood left.

The organization of a school-system in this State, on a new plan, was long indicated as a measure of progress which should compensate for high taxes and excessive prodigality; but the school-system partook of all the other essential features of the government, nearly one hundred thousand dollars being appropriated annually for salaries and expenses of a corps of officers, called superintendents of different grades, who had little or nothing to do with the cause of education—a sum which, if rightly applied, would have been sufficient to educate many children, both white and black. But the entire school-system fell a victim to the general law of destruction, which nothing escaped. The district-school tax was reduced to five mills on the dollar; the whole of the State-school fund was carried over to the general fund for the payment of salaries; the school-tax was made payable in State scrip, and the scrip thus received remained in the State treasury, a prohibition having been enacted against paying it out; and thus the whole school-system perished for want of support, in order to meet the continuing and increasing demand for salaries and perquisites.

I seek thus to recall some of the evils of the past few years, in order that it may serve as a warning for the future. Let us not be discouraged by them. During that time, at least, we have been enriched by such experience as rarely comes to a people in the lapse of a century. If we profit not by it in laying the foundations of the government on a just and secure basis, ours will be the fault and ours the retribution. Our natural advantages of soil, climate, and mineral wealth may well assure us of a prosperous future. By just and equal laws, securing in the government a solid and substantial system of education, an undeviating enforcement of the criminal laws, we shall be able, in a short period, to make our land inviting to the industrious and peaceable immigrant, to build up manufactures, to rehabilitate society, to establish and preserve a good name at home and abroad, to cultivate such feelings of mutual confidence and esteem between the white and black races as will promote their mutual happiness and prosperity, and most successfully to develop our natural resources. The time for beginning the work is at hand, and not a day should be lost. Every citizen having any regard for his country should at once and continually give his aid to this great duty, in the performance of which all can engage without reference to any difference of political opinion.

I herewith transmit such reports of the heads of departments as have been made to me.

Since the adjournment of the last legislature, I have received a pro-

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posal from an association of capitalists in Europe to fund the outstanding bonds of the State by substituting for them bonds payable in thirty years, with interest at the rate of five per cent. in gold. In the present financial condition of the State it is impossible to make immediate provision for the payment of any part of the public debt; but the creditors of the State may implicitly rely on the ultimate payment of every obligation which she justly and legally owes. As for the bonds issued in open disregard of law, probably no definite action should be taken at this time. As to those bonds which are of unquestioned validity, I would recommend that they be funded, either on the plan proposed or on some other plan which may be agreed upon with the holders, and as may appear most advantageous to the State. The proposed plan of funding will be laid before you in detail for such action as you may think proper.

I would recommend, also, a thorough revision of the school-laws, the school-system having been, as I have stated, in a great measure destroyed. Perhaps one of the chief advantages of a democratic form of government may be found in the fact that it renders a system of general education indispensable. As the law now stands a number of useless officials intercept the means which ostensibly are devoted to education. Some different system should be adopted by which the money raised by taxation shall be effectually applied to the building and repairing of school-houses, and paying the salaries of competent teachers. Simplicity and directness should mark any law the object of which is to attain this important result. The necessities for an increase of facilities for the education of the children and youth of the State, both white and black, is too obvious and too universally felt to make it necessary that I should dwell upon it.

The past season has been attended with universal disaster to the agricultural interests of the State. Unusually heavy rains in the spring were succeeded by a drought of unprecedented duration, which cut the crops short, and, in some districts, destroyed them almost entirely. Whether, under these circumstances, it would be better to enact a law suspending judicial sales for a limited period, is a matter which will doubtless engage your attention.

At the last session of the general assembly an appropriation was made for paying the expenses of the militia and the State in putting down the Brooks rebellion. The claims were strictly audited, and there was found to be a deficiency of about $50,000 in the appropriation. I would therefore earnestly recommend that an additional appropriation of that amount be made, so as to fully satisfy those demands.

The claims remaining unpaid are principally for services rendered by the officers and men of the militia when on active duty last spring, and for supplies furnished the State by merchants at home and abroad. The claimants acted with commendable promptness in extending aid to the authorities at a critical period in our history, and the State should recognize the merits of their claims by providing for their speedy payment.

Appended hereto is a list of the pardons and commutation of sentences during my administration, together with the reasons for the exercise of executive clemency.

The State is entitled to 5 per cent. of the net proceeds of all sales of lands within the State by the General Government. In addition to the lands actually sold, a large number of acres have been donated to soldiers, and it is believed that the State should receive the same per cent. upon the value of this class of lands. I have contracted with Messrs. Compton & Bishop, subject to the ratification of the legislature, to re-

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cover this amount, and I am advised by Messrs. Pike & Johnson, of Washington, that there are other important landed interests of the State at Washington that have heretofore been overlooked, and I doubt not that it would be to the interest of the State to contract with these well-known resident attorneys to look after such claims as will require legal attention.

I retire from office and repair to the duties and privileges of private life with an assured conviction that the State government is at length relieved from the trammels which have so long rendered any real progress hopeless; confident, also, that the victory of the people will not be in any manner abused. In a very little while all the evils which have so much afflicted the State will be remembered only as historical events, and even now the resentment which they naturally excited is in a great measure forgotten in the promise of a better day. No more shall a wild and desperate scramble for office threaten to overthrow the frame-work of society or expel peace and good order from the community. The well-known character and ability of my successor justify my belief that, with your wise and prudent co-operation, everything will be done to retrieve the errors of the past and to develop the advantages of the future which may lie in the power of the government.

ELISHA BAXTER.

Message of Governor A. H. Garland to the legislature that assembled at Little Rock on the 10th of November, under the provisions of a constitution declared ratified on the 31st of October, 1874.

To the Speaker of the House of Representatives, &c.:

Having been duly notified that I was chosen governor of the State of Arkansas at the election held on the 13th day of October, I have to say in reply I have qualified according to the constitution, and have entered upon the discharge of the duties of that office.

In doing this I hope I fully appreciate the responsibilities assumed by me in connection with that high trust, as I know I entertain every possible misgiving as to my ability to fill the position as it should be. I can make no more pledges than I made in the late canvass—to faithfully carry out and execute, in both meaning and spirit, the constitution submitted to the people at the same election at which I was chosen, and to administer justly the laws made in pursuance of that constitution. The platform of the party that nominated me had as its main feature the constitution I have sworn to support, and promised an administration of the government just and liberal to all, oppressive and proscriptive to none. In accepting the nomination I unreservedly committed myself to this policy, and now again, in taking the oath of office, I repeat the solemn avowal that I shall strive to so administer the government under our constitution that "the protection of the rights of the whole people shall be complete."

It would be unnatural if we did not rejoice at our great victory in favor of a government of the State by the people once more; and we would be untrue to principle if we did not rejoice at the recent splendid exhibition of popular supremacy all over our Union, from New York to Louisiana, from Texas to Virginia. But while we do congratulate ourselves and the people of our sister States, we must use the victory prudently and wisely, and show the world we are worthy of it. Let no animosities of the past mar its beauty; let no bitter memories of other

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days spoil its charms or lessen its benefits. Let us forget the past, only so far as it may serve to warn us against the evils in the administration of our government, and go forward to remedy those evils and make and enforce a government for all alike, with its benefits and its burdens.

We want no strife, no turmoil, but we want and must have peace and order, and to this end the laws should and must be enforced rigidly, but no man living under them should be unjustly or illegally deprived of one iota of his rights; and let no man be put in fear or injured, or denied any right on account of race, color, or previous condition of servitude, or on account of former residence, or difference in political opinion.

Our united energies directed, upon this theory, to the development of the resources of the State, will in a short time destroy forever the dark and ugly spots of the past in her history, and will make her a place lovely to be looked upon, and of which all people will delight to write and speak. We will then prove we not only have a good government, but that we properly appreciate its blessings, and know how to manage and control such a government.

His excellency Governor Baxter has submitted to the legislature his message, giving a view of the condition of the State. This message merits, as it will doubtless receive, the most mature and earnest consideration of the legislature.

From time to time during the session it will be my pleasure to call attention to such matters as I may deem it my duty, under the constitution, to advise action upon by the legislature; and at all times it will be my pride to co-operate with them in everything tending to promote the welfare of the people, for whose protection the government exists.

Very respectfully,

A. H. GARLAND.

NEAR LITTLE ROCK, ARK.,
May 8, 1874.

His Excellency U. S. GRANT, *President:*

Please condescend to listen to the workingmen and peaceable citizens of the State of Arkansas. We have the expense of this war to pay. We are the ones to suffer for the sake of a few office-seekers. Is there no remedy? Are we ever to be trodden upon in this way, and no remedy at the hands of the United States Government, which we so nobly defended during the last war? We are poor people, but we trust we are honest. We are not Philistines and office-seekers, but hard-working men, who earn our living by the sweat of our brows. The civil people demand peace, and is it possible that a few men who have no earthly regard for the poor, and only want to fill their own pockets, should bring upon us such an enormous expense, and at last ruin our state, and we, who are poor farmers and dig our living out of the ground, have nothing to say but sit still and look on. Please help us throw both men out of office, if you can, and both set of politicians, and give us some person who is honest, and that will do what is right to govern our state, is all we ask.

A word, if you please, upon the situation as it is in truth. Both men are to blame. Baxter has called upon the white people to help him. They have, in a measure, responded, but such a response! There are a few men, it is true, that might be called respectable citizens, but the

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most of his army consists of gamblers, murderers, and robbers, and bush-whackers of the last war.

Brooks has called upon the blacks to assist him. He has not a regiment of white troops; the officers are in a measure white, but office-seekers.

The balance of the people in Arkansas, who sustain the State, want peace. We, who are laboring-men, want neither Brooks nor Baxter for our ruler, for we have considered that neither are fit for the office of governor, but some man who digs his living out of the ground.

Hoping that you will at least condescend to answer us, we are some of your obedient soldiers of the 62d O. V. I., and others of different regiments, and many southern friends. (?)

Please address an answer to

J. A. CONRAD,
Little Rock, Ark.

P. S.—The motive that brought forth this letter is to know whether you will hear and listen to us a little while, as well as to the office-seekers of the Southern States. If so, we will have something further to relate concerning the affairs in this State.

Very respectfully,

J. A. CONRAD,
Little Rock, Ark., representing many farmers in the State of Arkansas, County of Pulaski.

EXECUTIVE OFFICE, STATE OF ARKANSAS,
Little Rock, May 25, 1874.

SIR: I desire to thank you in my own name, and in the name of the people of Arkansas, for your action in regard to the disturbances of the peace in our State. I never for a moment doubted what your action and that of the Federal Government would be, when you understood the real facts in the case. Although I greatly feared that, by some accidental collision between subordinates, the bold and unscrupulous men, whose deep-laid design was to put me in collision with the United States, would appear to have accomplished their end, the delay, painful as it was at the time, was not prejudicial. You have gained a great many friends here, both personal and to the Government.

It has always been my object here to free the party which elected me from the influence of the unscrupulous and corrupt men who have in the past almost entirely controlled its organization, and so to administer the State government as to make the republican party the party of the really good people of the State. The great majority of our people are as tired and sick of old party organizations as they are of corruption and fraud. In accordance with the avowed principles on which I was elected, and in which I at least was sincere, the people of the State had been enfranchised, and everything was in train to restore free government to our people under republican auspices and pledges, when the *coup d'état* of Brooks, promoted and supported by Clayton, Dorsey, McClure, and so many other mere political adventurers and robbers, threw the State into a convulsion from which your action has done so much to rescue it; and now I hope and desire, in pursuance of the same line of policy indicated above, and supported by yourself and the real republican party of the country, to re-establish civil liberty on sure foundations in this State.

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I desire to act in harmony and confidence with you. I believe that you are not without a somewhat similar experience with my own with regard to a powerful and unscrupulous clique of corruptionists, and can appreciate my position here.

The people of this State, as well as other Southern States, have suffered severely from their past folly, and in the main are very ready to recognize as their friends any person or party that will treat them fairly and honestly. They are too much impoverished to longer afford very good pasturage for mere adventurers whose only industry is stealing. There are numerous northern men in our community, including many who have served in the Federal Army, whose position is in all respects as favorable in our community as that of those of southern birth, notwithstanding the despairing howls of disappointed political aspirants to the contrary.

I believe that under the auspices of your administration a new era will be inaugurated in this and other Southern States. Your course is meeting with general approval and strengthening the hands of your true friends.

So great is the poverty to which this State has been reduced by bad and dishonest administration, that the State government has not the power to maintain its authority so vigorously as would be desirable; but relying on the support of the Federal Government in case of any attempt to renew civil discord extending beyond the resources at my own command, I shall endeavor to effect the objects I have proposed to myself from the beginning, *i. e.*, free the republican party in the State from corruption and supply the places of thieves with honest men, and thus strengthen the party and restore good government and prosperity to our unfortunate people.

I have the honor, President, to be, very respectfully and sincerely, your friend,

ELISHA BAXTER,
Governor of Arkansas.

U. S. GRANT,
President of the United States, Washington, D. C.

SHERIFF'S OFFICE, LEE COUNTY, ARKANSAS,
Marianna, May 28, 1874.

SIR: In brief let me state a few facts in regard to matters in this State. In the first place, there is not a man in the State that has as much political sense as an oyster. There is no State in the Union so easily handled, so easily controlled as Arkansas. Arkansas in 1872 was looking for a leader. She had none until Senator Dorsey came here and made a good showing, and we fell upon him as the man. He built a railroad that was never built, and made the party believe that he possessed both money and ability, all of which he never had. Now remember, I am a republican, and black at that. He went into the most stupendous frauds that was ever perpetrated upon a people, and he is not the only one in Washington now representing the people that is guilty of the same thing. The great Arkansas combination was formed. Baxter was the figure-head. They all worked for him, and most undoubtedly counted out Brooks. Secretary Johnson was bought up to make false showing; he, the senate, &c., and in fact every man that was troublesome was either bought, or, as they term it, killed off.

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They carried the election. Dorsey secured his seat in the Senate of the United States, which was the grand object in view.

Governor Baxter and he could not agree, and hence our troubles. It made no material difference who was governor, to us, if we only could have went along in peace and safety. But what was the result of the change? The State was thrown in the hands of the old Bourbons, and the worst species of tyranny was about to reign. There was not an officer in the State that was a republican but what was to have his head chopped off, as they termed it. They were to be suspended, and not tried, so as to disqualify them from holding office forever in the State. It mattered not whether they had been outspoken in favor of Brooks or not. They have gone from here to have me impeached, not because I was a Brooks man, but because I was a republican. You will remember, by my dispatch to you in regard to the troubles, that I did not care as to the governorship; but so it went. You have the respect of all the people in the State, and a word from you is worth more than an army. You have spoken, but they have mistook what you have said, and think that you mean for them to take the State government in their own hands and do as they please, without any regard to the Constitution of the United States or State. I have never seen such bitterness in the State since I have been here. Now, to settle the difficulties, let Congress investigate and put in the proper men, the men that were elected, and the troubles will end. I have had to be a political slave ever since I have been in the State, either to Clayton or Dorsey. I know of all the trouble in the State, and how it came about. I hope you will pardon me for troubling you with this letter, but I am anxious to know our future.

Your humble servant,

W. H. FURBUSH.

His Excellency U. S. GRANT,
Washington, D. C.

[Telegram from Little Rock, Ark., November 13, 1874; received November 14, 1874—2.20 a. m.]

To his Excellency U. S. GRANT,
President of the United States, Washington, D. C.:

SIR: The constitution of the State of Arkansas that was ratified on the thirteenth day of March, eighteen hundred and sixty-eight, and under which said State was admitted to representation in Congress, under certain conditions and restrictions recited in an act entitled "An act to admit the State of Arkansas to representation in Congress," passed June 22, 1868, provides among other things for the office of lieutenant-governor, the term of which is for four years. At the election which was held in said State on the 5th day of November, 1872, I was elected to said office of lieutenant-governor for the term of four years, and on the 6th day of January, 1873, duly qualified as such, and have continued to so act from said last-mentioned date. The tenth section of article six of said constitution declares, "In case of the impeachment of the governor, his removal from office, death, resignation, inability, or removal from the State, the powers and duties thereof shall devolve upon the lieutenant-governor during the residue of the term," &c. On my return to the State, after a brief absence, I find that Elisha Baxter, the recognized governor of the State, has abdicated and abandoned the office of governor and turned the same over to one A. H. Garland, who pretends to execute the office of gov-

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ernor under and by the authority of a pretended constitution, which he claims was ratified by the people of said State on the 13th day of October last.

The manner and mode of amending or changing the constitution of the State is distinctly stated in article thirteen. The change of constitution attempted to be made was not, and is not, in accordance with said article, but under the provisions of an act to provide for a convention to frame a new constitution, approved May 16, 1874, a copy of which is hereto attached, marked A. The State of Arkansas was admitted to representation in Congress upon certain fundamental conditions named in the act of June 22, 1868, which I claim are violated by the pretended new constitution. I also claim that the constitution of the State of Arkansas cannot be altered or amended in any other manner than that provided by the constitution itself, and that the pointing out of how this constitution should be altered or amended is an inhibition on the general assembly and the people of the State to pursue another or a different mode. The abdication of the office of governor, and the abandonment thereof by Elisha Baxter, in law amounts to a constructive or *parol* resignation. In such case, under the provisions of section ten, article six, of said constitution, the duties of the office of governor devolve upon me as lieutenant-governor. By and through the treachery and connivance of Elisha Baxter, I find A. H. Garland in the executive office, discharging the duties thereof; not only this, I find a body of men in the legislative halls who pretend to be the members of the general assembly of the State of Arkansas, and who are attempting to legislate for the people, who were not elected at the time nor in the manner provided by the constitution and laws of said State; in short, I find a new government, set up during my absence, that is not the legitimate offspring of that of 1868, and that the officers of the pretended government have, in some instances by violence and force, displaced officers holding similar positions under the constitution alluded to by reason of this state of affairs and other causes, all contributing to the same end. Domestic violence exists in this State which is too powerful to be suppressed by ordinary process of the law or the militia at my command:

Now, therefore, I, V. V. Smith, lieutenant-governor of the State of Arkansas, Elisha Baxter, the recognized governor of said State, having abdicated and abandoned said office, do hereby and by these presents make application to the President of the United States, and the laws passed in pursuance thereof, to guarantee to said State of Arkansas a republican form of government and protect the same against domestic violence. The legislature of said State is not now in session, and cannot be convened at this time without great detriment to the public interests. Any attempt to do so would result in augmenting confusion and anarchy, and would probably lead to strife and unnecessary bloodshed.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed, at the city of Little Rock, this 13th day of November, 1874.

[SEAL.]

V. V. SMITH,
Governor of Arkansas.

By the governor:
EDWARD WHEELER,
Secretary of State.

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LITTLE ROCK, ARK., *November* 13, 1874.

To the People of Arkansas :

During my brief absence from the State, I return to find that Elisha Baxter has abdicated and abandoned the office of governor, and that one A. H. Garland is in possession of the executive office, and attempting to exercise the office of governor of the State of Arkansas. The abdication and abandonment of the executive office by said Baxter amounts in law to a constructive or parol resignation; at least said office of governor is vacant, there being no legal incumbent in possession to discharge the duties.

Under this state of facts, and by virtue of the authority conferred by the constitution of said State of Arkansas on the lieutenant-governor, by section 10 of Article VI thereof, I, as lieutenant-governor of said State, feel called upon, and do now enter upon the discharge of the duties appertaining to and belonging to the office of governor of the State of Arkansas.

In assuming to discharge such duty, I feel that it would not be amiss to state in a public manner why I have done so. I was elected to the office of lieutenant-governor for the term of four years, at the election held on the 5th day of November, 1872, and my term of office has not expired. The only question about my right to exercise the duties of the office of governor, after the same had been abdicated and abandoned by the person elected to serve as governor, arises out of the pretended adoption of a *new* constitution.

The constitution of 1868 plainly and distinctly points out the manner and mode of changing the organic law of the State. In my opinion, the constitution cannot be altered, changed, amended, or set aside in any other manner than that mentioned and agreed upon by the people when they adopted it.

The pretended *new* constitution cannot, and does not, claim consanguinity with the constitution of 1868. It claims to be the creature of the legislature and the child of the people.

In my humble judgment, the general assembly had no power or authority to pass an act to authorize the calling of a convention of the people for the purpose of making a new constitution; nor have the people themselves, of their own volition, or by virtue of an act of the legislature, the power to change their constitution in any other manner than that prescribed in the constitution itself.

I am aware that there are quite a number of persons that dissent from my views on this subject, and vehemently assert that the people of a State have the power at all times to alter, reform, or even abolish their constitution at pleasure. I have mentioned these different views to show that there is a diversity of opinion on the subject of how the constitution may be changed.

Who shall settle the question as to whether a State may change its constitution and form of government? Section 4 of Article IV of the Constitution of the United States declares: "The United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature or of the executive, (when the legislature cannot be convened,) against domestic violence;" and section 8 of Article I, in defining the powers of Congress, says, it shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof."

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It seems clear to me, after examining the sections quoted, that neither Mr. Garland, nor myself, nor the people of the State of Arkansas are clothed with power to settle the question at issue. I am not insensible to the fact that bad and designing men may seize upon this difference of opinion to excite the citizens of the State to strife, violence, and bloodshed. I hope it will not be done. Strife among the citizens will not settle anything, nor will it advance the interests of, or the general prosperity of, the State. I have made application to the President of the United States to protect the State against domestic violence. Upon the application thus made the President will, no doubt, act at an early day.

The question at issue is one that can be settled quietly and peaceably, and without resort to arms. If I am entitled to exercise the duties of the office of governor, the President will respond to my call to suppress domestic violence; if he does not, it will be evidence to me that the President does not recognize me as entitled to exercise the duties of that office, and this will end the matter without the shedding of a single drop of blood or the loss of a human life. Some evil-disposed persons may advise resistance to Federal authority, in the event the President should sustain the government established in 1868. Such a course would only involve the people of the State in a sanguinary conflict, from which the aggressors could only retire with the blood of their friends upon their own hands.

I shall not attempt to oust Mr. Garland from the executive office by force, unless the President of the United States recognizes me as the governor of the State.

If after recognition by the President Mr. Garland should refuse to yield possession of the State government, I shall feel called upon to act promptly to vindicate and restore the lawful authority of the State.

That Mr. Garland would attempt to resist, after being ordered to retire from his present position by the President, I do not believe.

Either Mr. Garland or myself is entitled to exercise the office of governor of the State of Arkansas. We have each taken an oath to support the constitution of the State, and each, no doubt, desires to faithfully observe the same. I do not want to execute the office of governor unless I am entitled to do so by the law of the land, and I presume this is true of Mr. Garland. Between us the President must, for the time being, decide.

Whatever that decision may be, I will cheerfully acquiesce in it. If either party feel aggrieved, it is not long until Congress will be in session, and the matter can be laid before that body for final decision and determination. The attempt to seize, and the seizing of the legislative, executive, and judicial offices of the State, at this time, and under the circumstances herein recited, is revolution, and nothing but revolution.

Now, therefore, I, V. V. Smith, lieutenant-governor of the State of Arkansas, by virtue of the authority vested in the lieutenant-governor by the tenth section of Article VI of said constitution, (Elisha Baxter having abdicated and abandoned the office of governor,) do hereby command all persons claiming to derive political authority under and by virtue of the so-called constitution of October 13, 1874, to desist and refrain from the exercise of all official authority thereunder, and all persons that may have assumed to act under the authority of said pretended constitution, whether executive, legislative, or judicial, are hereby commanded to relinquish and surrender said offices to the persons entitled thereto under the constitution of 1868, and the laws passed thereunder, within five days from the date hereof, or I shall take such measures as will, in my opinion, result in the observance and enforcement of this command.

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In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed, at Little Rock, this the 13th day of November, A. D. 1874.

[SEAL.]

V. V. SMITH,
Governor of Arkansas.

EDWARD WHEELER,
Secretary of State.

To the ATTORNEY-GENERAL:

SIR: I have received the following telegram from Senator Clayton:

If the President has doubts about the correctness of Governor Smith's representations of his case against Garland and the revolutionists, I request him to telegraph to the congressional committee, who are possessed of official information after an investigation of nearly eight months.

Respectfully,

S. W. DORSEY.

WASHINGTON, D. C., *November* 14, 1874.

SIR: By authority of Gov. V. V. Smith, of Arkansas, I have the honor to place in your hands, in his behalf, the pamphlet to which this letter is attached, containing the governor's letter to Hon. S. W. D. Yonley, and the opinion of that gentleman upon the legal questions involved in the controversy for the governorship of Arkansas, and to ask that the said letter and opinion be considered by you as the official presentation of Governor Smith's case up to the date of the inauguration of the revolutionary government under Garland.

The subsequent facts bearing on this case, showing the necessity of the interposition of the General Government, are stated in the telegram of Governor Smith to the President of this date.

I am, respectfully,

S. W. DORSEY.

Hon. GEORGE H. WILLIAMS,
Attorney-General United States.

V. V. SMITH,
Lieutenant-Governor of the State of Arkansas,
vs.
A. H. GARLAND.

LETTER OF GOVERNOR SMITH AND OPINION OF HON. T. D. W. YONLEY.

LITTLE ROCK, ARK., *October* 1, 1874.

Hon. T. D. W. Yonley, Attorney at Law:

SIR: At the general election held in this State in November, 1872, I was a candidate for the office of lieutenant-governor. The returns of said election were opened and published at the time and in the manner prescribed by law, and I was declared duly elected lieutenant-governor of the State for the term of four years from the 1st of January, 1873.

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Soon after I was notified of my election I took the oath of office, and entered upon the discharge of the duties of the same. My election has never been contested or questioned before any tribunal.

Elisha Baxter was a candidate for governor at the same election, and was declared to have been elected at the same time and in the same manner that I was. Joseph Brooks was also a candidate for governor at the same election, and claims to have been elected. He has endeavored to have his claim to the office adjudicated by the general assembly and the State courts.

Governor Baxter prevented Mr. Brooks from contesting his right to the office before the general assembly by appointing thirty-three members of the house of representatives to various offices, thereby securing their votes and influence against allowing Mr. Brooks to file a petition setting forth the grounds on which he claimed his election, and asking that he be permitted to introduce proof to substantiate the same. In order to prevent the courts from deciding that Mr. Brooks was elected, after the general assembly had adjourned, Governor Baxter resorted to many measures, all of which are generally conceded to have been either a direct violation of law or an assumption of authority not conferred upon him by law.

On the 27th day of August, 1873, Governor Baxter issued his proclamation ordering a special registration of the electors of the State to be made, a copy of which is attached hereto, marked A.

The time, places, and manner of registering the qualified electors of the State is prescribed in act of the general assembly entitled "An act to provide for a registration of the legal voters in the State of Arkansas," approved July 15, 1868. It is the only act upon the statute-books of the State relating to the subject of registration.

Section 1 of said act provides how and when the board of registration shall be appointed.

Section 7 specifies when, where, and how the registration shall be made.

Section 23 makes it the duty of the governor to cause a new registration to be made in certain specified cases.

Previous to the general election in 1872, a board of registration, consisting of three persons, was appointed for each county in the State, as provided by law. A proper registration of the legal electors of the State was made by the registrars, except perhaps in three or four counties. None of the members of the several boards of registration so appointed have, that I am aware of, died or resigned since the adjournment of the general assembly, on the 25th of April, 1873, and very few previous to its adjournment.

A short time previous to the issuance of the proclamation ordering a special registration to be made, Governor Baxter appointed a new board of registration in the several counties in the State, composed of different persons than those who constituted the boards of registration in 1872. The persons so appointed by the governor made a new registration, allowing all to register who had been enfranchised by the adoption of the amendment to the constitution known as Article VIII, or who had become of age or acquired a residence in the State since the general registration in 1872.

On the 18th day of September, 1873, Governor Baxter issued his proclamation ordering a special election to be held in the several senatorial and representative districts in the State on the 4th day of November of said year, to fill certain vacancies in the general assembly that he claimed existed.

A copy of said proclamation is hereto attached, and marked B.

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The governor states, in the proclamation alluded to, that he had appointed five senators and thirth-three representatives to various offices; that two senators and two representatives had been appointed to Federal offices, that two senators had removed from their districts, and that six representatives had resigned. He holds that, under sections ten and eleven of article five of the constitution, he, not the general assembly, is vested with the authority to determine when a member has removed from his district, and whether the appointment of a member to an office vacates his seat or not.

At the general election held in November, 1872, members of the general assembly were elected in each senatorial and representative district. The senators were elected for four years and the representatives for two years. The names of the persons elected at said election are appended hereto, and marked C.

On the first Monday in January, 1873, the persons named in Appendix C met at the State-house and organized the general assembly of the State. After each house had perfected its organization, O. A. Hadley, the retiring governor, and Elisha Baxter, the incoming governor, sent messages to the same as the general assembly of the State from the day of its organization to the day of its adjournment *sine die*, which was on the 25th of April, 1873.

When the general assembly adjourned there were no vacancies in either branch to be filled. During the session there were no vacancies declared in either house that were not filled in the manner prescribed by law. At the time Governor Baxter issued his proclamation ordering an election, none of the senators and only six of the members of the house had died or resigned. No writs of election have been issued, and no election has been held to fill vacancies in the general assembly since the election in November last.

The board of registration for each county, appointed by the governor to make a new registration of the electors of the State, appointed judges to hold the special election in each election-district.

The time when and by whom judges of elections shall be appointed, and the length of time they shall continue to act as such, is prescribed in sections 4 and 6 of the election-law.

The board of registration appointed before the general election in 1872 had appointed judges for each election-district in the State at the time and in the manner prescribed by law, nearly all of whom qualified and discharged the duties required of them by law, at said general election. Their term of office not having expired, they attempted to hold the special election in 1873, ordered by the governor, believing that it was their sworn duty to do so. In many instances they were assaulted by armed men, and compelled to surrender the ballot-boxes to the judges who were appointed by the board of registration last appointed by the governor. In very few instances were they recognized as the proper judges of election by democratic voters, and the democratic county clerks refused, in some instances, to certify the returns made to them by said judges to the secretary of state, as provided by law; notwithstanding those who were registered at the special registration were allowed to vote, the vote cast was very light compared with that of 1872.

In many districts composed of several counties persons were returned as elected whose total vote was less than eight hundred, while in 1872 the vote cast for members of the general assembly in the same districts was over three thousand. The republicans, acting under the instructions of the State central committee, did not participate in said special election.

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The committee deemed it unadvisable for them to nominate candidates, or even vote, for the following reasons:

1st. Because a large majority of the republicans had failed to register at the special registration, believing that the same was made without authority of law.

2d. Because the governor had, in a letter to its chairman, stated that he would not convene the general assembly in extraordinary session.

3d. Because it regarded the action of the governor, in declaring vacant the seats of the members of the general assembly who were elected at the general election in 1872, and who had not died or resigned, to have been a usurpation of authority, and consequently void.

4th. Because it did not believe that the election would be legally and fairly held, and would consequently be decided by the courts to be void.

The members of the general assembly who were appointed to offices of a lower grade than township offices, claimed at the time they were appointed that the acceptance of said appointments would not vacate their seats, or prevent them from taking the same, if the general assembly was convened at any time before the expiration of the term for which they were elected. All who were appointed hold that the general assembly is vested by the constitution and laws of the State with the sole power of determining whether or not their seats are vacant.

If the governor appointed the members to office, as he says he did, for the purpose of creating vacancies, in order that the same might be filled by persons who would not allow a contest for the office of governor, he should have required them to resign before appointing them.

If either house of the general assembly which under the constitution is the sole judge of the qualifications of its own members, had regarded that any of its members had vacated their seats, by reason of their having been appointed to office or removing from their district, it should have so declared, and instructed its presiding officer to notify the governor in the manner provided by law, as both were in session when the appointments were made.

At the special election held in pursuance of the proclamation of the governor, nine senators and forty-one representatives were returned as having been elected. Appended hereto is a list of their names, marked D.

Six of the senators and thirty-one of the representatives so returned as elected were democrats. All of said democratic senators, and twenty out of the thirty-one democratic representatives, were elected to fill the seats of republicans, declared vacant by the governor.

On the 22d day of April, 1874, Governor Baxter issued his proclamation, calling the general assembly together, a copy of which is attached hereto, marked E.

At the time said proclamation was issued, a judgment of ouster had been rendered against Governor Baxter by the circuit court of Pulaski County, in a case pending therein, wherein Joseph Brooks was plaintiff, and Elisha Baxter defendant, and Joseph Brooks had been placed in possession of the State-house by the officers of the court.

On the 11th day of May, 1874, only four senators and fifteen representatives, who were elected at the general election, in 1872, and who were members of the general assembly at the time of its adjournment *sine die*, on the 25th day of April, 1873, met in pursuance of the proclamation of Governor Baxter.

On the 15th day of May the proclamation of the President was received at the capital, declaring Mr. Brooks and his adherents turbulent and disorderly persons, and commanding them to disperse. The re-

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publican members of the general assembly, who regarded Mr. Brooks as the lawful governor, and had attempted to maintain his authority as such, could not take their seats with safety. They were regarded as traitors by Governor Baxter and his supporters, and threatened with arrest and imprisonment for treason, on sight. The session was held in a building other than the State-house, in the military lines of Governor Baxter, and no member could get to the said building without a written pass from a military commander.

Notwithstanding the fact that there was a quorum of each house in existence, about whose right to seats there was no question, the members who had assembled, instead of sending for said absent members, and adjourning from day to day, as the constitution requires, admitted persons in the senate and house to fill vacancies that did not occur by death or resignation, during a recess of the general assembly, and that had never been declared to exist by the same. By the recognition of six persons as members in the senate, and twenty-five persons as members in the house, whose rights to seats were denied, each house, on the 14th day of May, 1874, declared itself organized, and so notified Governor Baxter.

The journals show that on the 16th of May the following persons, who held seats in the general assembly of 1873, were present: Senators Askew, Beavers, Brown, Duke, Frierson, Goad, Hanks, McChesney, and Ratcliff—9; Representatives Berry, J. H. Cleveland, Chandler, Chapline, Crowley, Davie, Eagle, Erwin, Foster, Gilbreath, Gist, Gossett, Hawkins, Hynds, Joiner, Mitchell, Pindall, Preston, Reid, Sumpter, Thomason, Walker, Wheat, White, and Wright—25.

And also the following-named persons, who claimed to have been elected at the special election in 1873: Senators Bunn, Dunagan, Jones, McCabe, Pollard, and Scott—6; Representatives Anderson, Arnold, Burton, Carter, Coffin, Conway, Doswell, Davis, Duffie, Files, Hart, Hixon, King, Johnson, (B. W.,) Johnson, (C. C.,) Johnson, (L. L.,) Lester, McClellan, McGuire, Montgomery, Richardson, Smith, Tillar, Thompson, and Venable—25.

James A. Davie, of the eighth district, who is a personal adherent of Governor Baxter, was permitted to take his seat in the house, and participate in the deliberations of the same, notwithstanding his seat had been declared vacant by the governor, on the ground that he had been appointed assessor of Sebastian County, and J. F. Wheeler, an opponent of Governor Baxter, had been elected to fill the vacancy so declared.

On the 16th day of May a bill was introduced providing for a convention to frame a new constitution, a copy of which is attached hereto, marked F.

Said bill was passed by both houses of the general assembly on the same day it was introduced; the following members, who were elected at the general election in 1872, voting for the same:

Senators Askew, Beavers, Brown, Frierson, Goad, and Ratcliff—6; Representatives J. H. Berry, Cleveland, Chandler, Chapman, Crowley, Davie, Eagle, Erwin, Foster, Gilbreath, Gist, Gossett, Hawkins, Hynds, Joiner, Mitchell, Pindall, Preston, Reid, Sumpter, Thomason, Walker, Wheat, White, and Wright—25.

Also, the following members, who were elected at the special election in 1873:

Senators Bunn, Dunagan, Jones, McCabe, Pollard, and Scott—6; Representatives Anderson, Arnold, Benton, Carter, Coffin, Conway, Doswell, Davis, Duffie, Files, Hart, Hixon, Johnson, (W. B.,) Johnson,

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(C. C.,) Johnson, (L. L.,) Lester, McClellan, McGuire, Montgomery, Richardson, Smith, Tillar, Thompson, and Venable—25.

The following-named senators and representatives, whose right to occupy seats in the general assembly is not disputed by any one, recognized Mr. Brooks as the lawful governor of the State at the time Governor Baxter issued his proclamation calling the general assembly together, viz:

Senators Beldin, Clayton, Coit, Dawson, Dugger, Gallagher, Holland, Torrans, and White—9.

Representatives Cate, Cunningham, Lee, Stephenson, Spears, Bridenthal, Berry, (C. E.,) Strong, Johnson, Adams, Brown, Williams, Tankersly, Beasley, Beardsley, Murphy, (Wm.,) Rawlins, and Joslyn—18.

Had the above-named senators been allowed to take their seats in the senate as soon as the proclamation of President Grant recognized Baxter as the governor of the State, and the adherents of Mr. Brooks turbulent and disorderly persons, and commanding them to disperse, was received here, they would, with the three who voted against the bill, have prevented its passage. All of them were opposed to its passage, and had so expressed themselves, as was well known.

By reference to section 11 of the act providing for a constitutional convention you will see that the secrecy of the ballot, guaranteed by the constitution, was stricken down and destroyed at the election provided for in the act. As it is not denied that the ballot of every person who voted at said election was numbered in the manner provided in the act, notwithstanding hundreds of voters protested against their ballots being so numbered, I hold that the election was illegally held, and is consequently null and void.

I also hold that the constitution does not, either by implication or otherwise, confer the power or authority upon the general assembly to provide for the assembling of a convention to alter or amend the organic act, or to frame a new one. To these two points I desire to call your attention especially.

The extraordinary session of the general assembly lasted only seventeen days. During that time bills were passed suspending all the courts, and prohibiting the supreme court from meeting before November, in order to prevent any review of its action. Articles of impeachment were preferred against three of the supreme judges; the auditor, the commissioner of immigration and State lands, and other officers, for treason, (which, under the constitutional offense,) and suspended them from office without trial. One supreme judge, two circuit judges, the attorney-general, State treasurer, and several other officers, were forced to resign to avoid impeachment for the same offense.

An election was held at the time and in the manner provided in the act providing for a constitutional convention, by democratic judges and clerks, who, it is alleged, committed open and glaring frauds. It has been asserted in the press, and not denied, that persons who were not citizens of the State were allowed to vote; that railroad employés were taken from county to county, and from ward to ward at Little Rock, and allowed to vote at each; that after the closing of the polls, the ballot-boxes were taken in many instances to the private residences of the judges, where several days were spent in counting the votes and stuffing the ballot-boxes. The returns made by them show that a large majority of the votes cast were "For constitution."

Although, by section 17 of the bill under which the election was held, it is made a felony to cast up and make false returns of the election, to vote more than once, to bribe any person to vote contrary to his

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wishes, to intimidate or prevent any elector, by threats or promises, from voting; and the penalty on conviction is fixed to confinement in the penitentiary not less than one year; and the judges of the several criminal courts are required to give said section specially in charge of the grand juries of their respective jurisdictions; yet, immediately afterward, great care was taken to pass a bill to prevent the courts from being held until the democratic judges could be placed upon the bench, and the machinery of the courts entirely in their hands, knowing full well that not a conviction would be made.

On the 14th day of July the persons who had received certificates of election as delegates to the convention assembled in the State-house at the capital. The State board of electors submitted a report showing that a majority of the votes cast at the election held on the 13th of June were "for convention." The convention was organized, and remained in session until the 8th day of October, during which time a constitution was framed by the convention. The schedule to said constitution provides that the constitution shall be submitted to the qualified electors of the State for adoption or rejection at an election to be held on the 13th day of October, 1874. That an election shall be held at the same time for all State, judicial, county, and township officers to whom and by whom the returns shall be made; when the constitution shall go in force if ratified; by whom the vote for all State officers shall be cast up: when those declared elected shall qualify; how and when members of the general assembly shall be elected; who shall give certificates of their election; when they shall meet, and when the persons now in office shall vacate the same, as shown by the sections of the same, appended hereto, and marked G.

You will see by reference to section 14 of the schedule that the ballots of those voting at the election on the adoption or rejection of the constitution, are required to be numbered in the same manner that the ballots of those voting for or against convention were.

The members of the convention did not confine themselves to framing a constitution, but assumed the power to legislate. Ordinances were passed, repealing, suspending, and making laws. They also passed an ordinance abolishing constitutional as well as statutory offices, as will be seen by reference to an ordinance passed by the convention, appended hereto, marked H.

The following ordinance suspending the registration-law of the State was also passed, viz:

Be it ordained by the people of Arkansas in convention assembled, that all laws or parts of laws directing or requiring registration to be made, are hereby suspended until further action is taken by this convention, and that this ordinance take effect from and after adoption.

Notwithstanding the suspension of the registration-law of the State by the convention, as shown by the foregoing ordinance, and its failure to take further action in the matter, Governor Baxter appointed registrars in every county in the State, and issued the following circular letter addressed to them.

EXECUTIVE OFFICE, LITTLE ROCK, *September* 25, 1874.

To the registrars of the State of Arkansas:

GENTLEMEN: On the first day of August you were re-appointed under the law of 1868; commissions, however, were not issued until it could be ascertained what action the constitutional convention might take bearing upon the subject of registration. Under the law you will have nothing whatever to do with the election on the 13th of October, 1874.

The convention, however, did not in any manner interfere with the election of Mem-

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bers of Congress, and, as heretofore, the election of Representatives in Congress will take place on the first Tuesday after the first Monday in November, 1874.

The extraordinary session of the legislature, as well as the schedule to the proposed new constitution, having provided a mode of registration different from that prescribed in the law of 1868, it is believed the only duty you have to perform is to appoint the judges and clerks of election under the law of 1868.

Respectfully,

ELISHA BAXTER,
Governor of Arkansas.

The constitution of the State defines who shall be deemed qualified electors, and requires each elector to be *registered* before he shall be entitled to vote.

In order to meet the requirements of the constitution, the following section was inserted in the schedule to the proposed constitution:

SECTION 12. As the electors present themselves at the polls to vote, the judges of the election shall pass upon their qualifications, and the clerks of election shall register their names on the poll-books if qualified; and such registration by said clerks shall be a sufficient registration in conformity with the constitution of this State, and then their votes shall be taken.

The republican State convention that assembled at Little Rock on the 15th of September, 1874, decided by a unanimous vote not to nominate candidates for any of the offices provided for in the new constitution, or to vote for or against its adoption, for many reasons, among which are the following:

1st. Because the legislature that passed the bill providing for a constitutional convention was an illegal body.

2d. Because the constitution of the State cannot be altered, changed, or amended in any other manner than that prescribed by the organic act.

3d. Because the secrecy of the ballot will be destroyed by numbering the ballots in such a manner that it can be ascertained how every person voted, which would subject a large majority of the colored republican voters to persecution or assassination if they voted against the constitution.

4th. Because the returns of the election are not sent to the usual officers, but to a board created by the convention that is not responsible under the election-law of the State, nor to any tribunal for the manner in which the members discharge its duties.

5th. Because the board is clothed with power to declare the constitution adopted and what officers were elected, and its action is final and absolute.

6th. Because no tribunal exists before which frauds, no matter how enormous their character, can be inquired into or reviewed.

7th. Because no tribunal exists before which the vote on the adoption of the constitution can be contested or controverted, nor before which the election of any one of the State officers can be contested, until after they have been installed into office.

8th. Because the democrats have been enrolled as State militia, and organized into companies, regiments, and brigades in every county and township in the State, for the purpose of intimidating and preventing a free and full canvass of the State by the republicans.

9th. Because democratic leaders advise the assassination or driving from the State of every prominent republican in the several counties who attempts to thwart them in their purpose of getting control of the State government.

10th. Because martial law was proclaimed by Governor Baxter in Pulaski County, in which is the city of Little Rock, the capital of the

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State, and in which is a large republican majority, which proclamation has never been revoked.

11th. Because the entire election machinery is exclusively in the hands of democratic partisans, who will return the constitution adopted and the democratic candidates for office elected, no matter how large the majority of votes cast against its adoption, or for the republican officers, might be.

12th. Because it might be decided that by participating in the election they recognize the validity of all the acts of the governor, the legislature, and the convention, that they hold to be illegal, null, and void.

The constitution and the laws of the State require that members of Congress, members of the general assembly, and certain county and township officers shall be elected at a general election to be held on the first Tuesday after the first Monday in November, 1874.

The republicans have, by the adoption of a resolution in their State convention, publicly announced their intention to nominate and vote for all of said officers at said election.

The appointment of registrars and the circular letter addressed to them by Governor Baxter was not made public until after the republicans had in their State convention determined upon ignoring the election In the 13th of October, and voting for officers at the November election. in order to prevent the election from being held by judges who would certify the votes cast for such officers to the secretary of state, as provided by law, it became necessary for the democrats to provide some way by which they could control the appointment of all the judges of said election in the State. There was but one way this could be done, which was to ignore the action of the constitutional convention repealing the registration-law, which provides that the governor shall appoint registrars in each county, and that the registrars so appointed shall appoint the judges of election at each poll or voting-place.

Governor Baxter never hesitates to do any act that is deemed necessary to place the State government in the hands of the democrats; has appointed a democratic board of registrars in every county in the State.

These registrars have appointed democratic judges of election. Therefore it may be justly asserted, that no returns of the election of persons voted for by the republicans in November will be made.

As soon as the general assembly, elected on the 13th of October, meets, which will be on the 11th day of November, it will undoubtedly declare the nominees of the democratic party elected, as there are no candidates against them. The persons so declared to have been elected will, no doubt, qualify and assume to be the legal officers of the State, and immediately enter upon the discharge of the duties imposed upon them by the new constitution, and such laws as may be enacted thereunder.

The republicans of the State, without a single exception that I am aware of, now believe and assert that Governor Baxter, soon after his inauguration, entered into a corrupt conspiracy with prominent ex-confederates to overthrow the present government of the State, and erect one from its ruins that will, when the proper time arrives, enable them to successfully carry into force and effect the political dogmas entertained by them in 1861, and one that will secure to them all the offices, from the highest to the lowest, thereby placing in their power the men who have incurred their life-long hatred for having put into operation and maintaining for six years a loyal government, in accordance with the reconstruction laws passed by a republican Congress.

There can be but little doubt entertained by any one but that, in his

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zeal and determination to carry out his part of the conspiracy, Governor Baxter has usurped authority and violated law. In the language of the address adopted by the republican State convention:

He set the judgments of the courts of the State at defiance; he proclaimed martial law at the capital of the State, where it continues today, and under its auspices placed thirty-three persons in the house of representatives, and six in the senate, who had no right there, and without whose presence there never was a quorum in either body; he solemnly pledged himself, before the pretended election of these so-called members of the legislature, that he would not convene the general assembly were every man, woman, and child in th State to petition him to do so; and after lulling republicans into security, and electing democrats to fill vacancies of his own creation in the legislature, he violated that promise; he has recognized no law in the State, since April last, but his will; he, with the aid of an illegal legislature, suspended three of the supreme judges, and appointed his private attorneys, who had been confederate supreme judges, to fill the vacancies thus created; he forced the State treasurer to resign, to give the position to one of his major-generals of militia, who was a confederate colonel; he forced the attorney-general to resign, and appointed another of his militia generals, an ex-confederate major, to fill the vacancy; he suspended the superintendent of the penitentiary, and appointed another of his major-generals of militia, an ex-confederate major-general, to fill his place; he suspended the commissioner of immigration and State lands, for the purpose of giving an agent of the associated press, an ex-confederate captain, his position; he suspended the auditor of state for obeying a mandate of the supreme court; he appointed murderers, for whose arrest he, as governor, had offered rewards, as officers of his militia; he disbanded the militia of loyal men, and in their stead organized a militia of personal and political adherents, composed exclusively of Ku-Klux and ex-confederates; he placed arms in the hands of his ex-confederate militia, for the purpose of violence and intimidation; he allowed white and colored republicans to be arrested on frivolous and trumped-up charges, and brutally murdered while in the hands of the officers of the law; he has made the militia independent of, and superior to, the civil power; he despoiled citizens of the State of their goods, and refused to pay for them, because they were not personal adherents; he has pardoned out of the penitentiary, at the instance of political friends, persons convicted of felony, upon the assurance that they would play the desperado in his behalf in different counties; he has kept a standing army at his private residence and at the capitol; he has encouraged the assassination of republican officials and invariably appointed ex-confederate democrats to fill the vacancies thus created; he has permitted the process of the law to be used for the purpose of disarming persons, to the end that assassination might be less difficult. In short, to use the language of the Declaration of Independence, "his daily administration has been marked by acts that define him as a tyrant and unfit to govern a free and loyal people."

The contest made by the republican party in this State for supremacy involves much more than similar contests in Northern States. It is not made simply for the purpose of maintaining the political tenets of the party, for, comparatively speaking, it is a matter of little consequence to the party here whether there is a high or low tariff, contraction or inflation, or new avenues of transportation opened up to the sea. The issues it has to contend for are far graver than these, and involve all that is held dear by every free American citizen. They are issues of life, liberty,

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and prosperity; issues, indeed, of life or death. It has to contend with Ku-Klux and White League organizations, that are perfected, not for the sole purpose of securing a united vote of the party to which its members belong, in order to elect their chosen leaders to the various State, judicial, and county offices, but also for the purpose of assassinating or driving from the State the men who fought their way through rebel columns to the capital of the State, and wrested its government from their hands, and to intimidate and persecute those to the manner born who were known as Union men during the war, and colored men who avail themselves of the rights and privileges conferred upon them by the Federal Government.

The achievement of a political victory by democrats over the loyal men of the States, under these circumstances, implies much more than it can be understood to imply by those who live in States that have always been loyal to the Federal Government.

It is not a victory of a majority, but a victory of a set of determined and well-organized men, who do not hesitate to commit any act, no matter how revolting in its nature, over a majority of peaceable and law-abiding citizens, many of whom, rather than subject themselves to insults and persecutions, remain away from the polls.

The republicans of the State are now engaged in one of these contests. If they are successful, law and order will prevail, and every citizen of the State will be protected in his life, liberty, and property. If they are defeated, the reverse will be the result. They will have to sacrifice their property and flee the State, or bow their heads in submission to the demands of their bitterest foes.

Every truly loyal man in the State has reason to believe that Governor Baxter, in accordance with the agreement made with his co-conspirators, will voluntarily vacate the gubernatorial chair, and cease to perform the duties of governor, and again place the State government in the hands of unrepentant rebels. They, therefore, irrespective of the opinions entertained by them on other questions about which they may have differed, look to my office, in this their hour of peril, to prevent, if possible, Governor Baxter and his co-conspirators from consummating their designs.

If I were to consult my personal interests and inclinations, I would resign my office, and allow the conspirators to accomplish their object, rather than subject myself to the villification and abuse that would be heaped upon me by the leaders of the "lost cause." But knowing, as I do, that if the attempt to overthrow and destroy the present loyal government of the State, and the inauguration of a disloyal one in its stead, is successful, it will result in persecutions for opinion's sake, if not in loss of life, and, more especially, as I have taken an oath to support the constitution and laws of the State as long as I hold the office I now do, I cannot refuse or fail to comply with their entreaties, if there is anything I can legally do to prevent it. There is no court to which I can apply to determine the question raised, or my right to assume the discharge of the duties of governor of the State, under the present constitution and laws, after Governor Baxter's failure or refusal to do so. I am unwilling to rely on my own judgment or the judgment of those who are not familiar with the legal questions involved, or to take any steps that might subject those who would give me their support to legal prosecution and imprisonment if it should be afterward determined by a tribunal of competent authority that my acts were without authority of of law.

Having implicit confidence in your judgment on points of law, I have

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given you a brief summary of the official acts of the governor, the general assembly, and the constitutional convention that are claimed to be illegal and void, also the position taken by the republican party of the State, and respectfully ask you to give me your written legal opinion in answer to the following questions:

1st. Whether the appointment of registrars made by Governor Baxter in 1873 was authorized by law?

2d. Whether the governor was authorized by law to order a registration of the class of persons referred to in his proclamation?

3d. Is the governor authorized by the laws and constitution of this State to determine when and whether a member of the legislature has "removed from his district," or vacated his seat, by receiving an appointment to office, incompatible with the constitution of the State?

4th. Were the judges of election appointed by the board of registration in 1872, or the judges of election appointed by the board of registration appointed in 1873, by Governor Baxter, without the advice and consent of the senate, the proper persons to hold the special election in 1873, and make returns thereof?

5th. Was the legislature that convened at Little Rock on the 11th of May last a legal body?

6th. Was the bill providing for a submission of the question to the people for a constitutional convention legally passed?

7th. Did the legislature, if a legal body, have the power to pass a bill providing for a constitutional convention, and is it within the scope of legislation?

8th. Can the constitution of 1868 be abolished or annulled by the adoption of the proposed new constitution, framed and submitted in the manner stated, even if a majority should be declared in favor of it?

9th. What effect did the marking of ballots have, if any, on the election to determine whether a constitutional convention should be called, and upon the election of delegates, under the peculiar provisions of our constitution?

10th. Can a constitutional convention by ordinance abolish the office of lieutenant-governor, it being one created by the constitution of the State, while the constitution of 1868 is yet in force?

11th. If Elisha Baxter should voluntarily surrender the office of governor to some person claiming to be elected under the provisions of the new constitution, and by abdicating the office of governor should refuse and neglect to discharge the duties of the office of governor for the term for which he was elected, would I, as lieutenant-governor, be authorized to discharge the duties of the unexpired term, and in the event the President, or other proper authority, should disperse the government, established by the new constitution, and restore those who were deposed by the connivance and treachery of Elisha Baxter, would said Baxter, after having abdicated the office of governor, have a right to assume the same?

Very respectfully,

V. V. SMITH,
Lieutenant-Governor.

APPENDIX A.

PROCLAMATION ORDERING A SPECIAL REGISTRATION.

Whereas a registration of the legal voters of this State has not been made since the adoption and ratification of the amendment to the constitution known as article 8, except in the counties of Garland, Hot Spring, Izard, and Van Buren; and

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Whereas it is necessary that a new and full registration be made in every county in the State, for the purpose of holding an election for members of the board of supervisors of each county, and such other elections as may be ordered:

Now, therefore, I, Elisha Baxter, governor of the State of Arkansas, by virtue of authority vested in me by the twenty-third section of an act of the general assembly, entitled "An act to provide for a registration of the legal voters of the State of Arkansas," approved July 15, 1868, hereby order and direct that a new registration of the legal voters of the State be made except in the counties hereinbefore mentioned, after notice thereof shall have been given according to law, said registration to close at least ten days prior to the first Tuesday after the first Monday in November, A. D. 1873.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed at Little Rock, this 27th day of August, 1873.

ELISHA BAXTER,
Governor of Arkansas.

APPENDIX B.

PROCLAMATION ORDERING A SPECIAL ELECTION.

The State of Arkansas to the sheriffs of the several counties hereinafter mentioned, greeting:

Whereas by section two of chapter eighty of Gould's Digest of the Statutes of the State of Arkansas, now in full force and effect, it is provided that whenever the governor shall receive any resignation or notice of vacancy, or when he shall be satisfied of the death of any member of either house of the general assembly of the State during the recess thereof, he shall without delay issue a writ of election to supply such vacancy; and

Whereas by section ten, article five, of the constitution of the State, it is provided that the removal of senators and representatives from their respective districts shall be deemed a vacation of their offices; and

Whereas by reason of holding office under the United States and this State, holding county offices, and ineligibility from other causes, there is now a large number of vacancies in both houses of the general assembly of the State, the constitution of the State declaring, in section eleven of article five, that no person holding any office under the United States, or this State, or any county office, excepting postmasters, notaries public, officers of the militia, and township officers, shall be eligible to or have a seat in either branch of the general assembly, and that all votes given for any such person shall be void; and

Whereas by reason of this inhibition of the constitution and laws of the State, the following vacancies in the general assembly do now exist, and by law shall be filled, viz:

In the first senatorial and representative district, composed of the counties of Craighead, Cross, Jackson, Mississippi, and Poinsett, vice Hon. H. M. McVeigh, member of the house of representatives, appointed prosecuting attorney of the eleventh judicial district, and Hon. Frank W. Lynn, member of the house of representatives, appointed assessor of Jackson County.

In the second district, composed of the counties of Greene, Lawrence, Randolph, Sharp, and also embracing the county of Clayton, vice Hon. George Thornberg, member of the house of representatives, resigned, and Hon. W. G. Matheny, member of the house of representatives, resigned.

In the third district, composed of the counties of Carroll, Fulton, Izard, Madison, Marion, and Boone, and so much of the county of Baxter as was taken from the counties of Marion, Fulton, and Izard, and so much of the county of Stone as was taken from the county of Izard, vice Hon. W. S. Chapman, member of the house of representatives, resigned.

In the fourth district, composed of the counties of Independence and Van Buren, and so much of the county of Stone as was taken from the counties of Independence and Van Buren, vice Hon. John G. Munn, member of the house of representatives, appointed assessor of Van Buren County.

In the fifth district, composed of the counties of Searcy, Pope, and Conway, and so much of the counties of Baxter and Stone as was taken from the county of Searcy, and so much of the county of Faulkner as was taken from the county of Conway, vice Hon. A. D. Thomas, senator, now a United States pension-agent, and Hon. John Benton Turner, member of the house of representatives, appointed sheriff of Faulkner County, and Hon. Yancy B. Sheppard, member of the house of representatives, appointed prosecuting attorney of the sixteenth judicial district.

In the sixth district, composed of the counties of Newton, Johnson, Yell, and Sarber, vice Hon. John N. Sarber, member of the house of representatives, appointed United States marshal for the western district of Arkansas, and Hon. J. A. Shrigley, member of the house of representatives, appointed receiver of public moneys of the United States, at Dardanelle, Arkansas.

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In the seventh district, composed of the counties of Benton and Washington, vice Hon. A. Caroloff, senator, removed from the district.

In the eighth district, composed of the counties of Crawford, Franklin, and Sebastian, vice Hon. James A. Davie, member of the house of representatives, appointed assessor of Sebastian County.

In the ninth district, composed of the counties of Crittenden and Saint Francis and Woodruff, and so much of the county of Lee as was taken from the counties of Crittenden and Saint Francis, vice Hon. Asa Hodges, senator, removed from the district; Hon. William L. Copeland, member of the house of representatives, appointed assessor of Crittenden County; Hon. Charles F. Brown, member of the house of representatives, appointed treasurer of Saint Francis County, and Hon. John H. Johnson, appointed assessor of Woodruff County.

In the tenth district, composed of the counties of Pulaski and White, and so much of the counties of Faulkner and Lonoke as was taken from the county of Pulaski, vice Hon. W. I. Warwick, member of the house of representatives, appointed chancellor of the Pulaski chancery court, and Hon. J. M. Murphy, member of the house of representatives, appointed a member of the board of supervisors of Pulaski County.

In the eleventh district, composed of the counties of Monroe and Phillips and so much of the county of Lee as was taken from the counties of Monroe and Phillips, vice Hon. James T. White, senator, appointed commissioner of public works and internal improvements; Hon. John W. Fox, member of the house of representatives, appointed circuit judge of the eleventh judicial district; Hon. W. H. Furbush, member of the house of representatives, appointed sheriff of Lee County; Hon. George W. H. Stuart, member of the house of representatives, appointed assessor of Lee County; Hon. Henry H. Robinson, member of the house of representatives, appointed assessor of Monroe County; and Hon. Toney Grissom, member of the house of representatives, appointed assessor of Phillips County.

In the twelfth district, composed of the counties of Arkansas and Prairie, so much of the county of Lincoln as was taken from the county of Arkansas, so much of the county of Dorsey as was taken from this portion of the county of Lincoln, and so much of the county of Lonoke as was taken from the county of Prairie, vice Hon. P. C. Dooley, senator, appointed circuit judge of the twelfth judicial district.

In the thirteenth district, composed of the counties of Scott, Polk, Montgomery, and Hot Spring, so much of the county of Grant as was taken from the county of Hot Spring, so much of the county of Garland as was taken from the counties of Hot Spring and Montgomery, vice Hon. George G. Latta, member of the house of representatives, appointed prosecuting attorney of the fifteenth judicial district.

In the fourteenth district, composed of the county of Hempstead and so much of the counties of Nevada and Howard as was taken from the county of Hempstead, vice Hon. John Brooker, senator, appointed United States assessor of internal revenue for the State of Arkansas; Hon. R. T. Page, member of the house of representatives, appointed circuit clerk of Hempstead County; Hon. Archer Shepperson, member of the house of representatives, appointed a member of the board of supervisors of Hempstead County, and Hon. W. A. Marshall, member of the house of representatives, appointed a member of the board of supervisors of Howard County.

In the fifteenth district, composed of the counties of La Fayette and Little River, vice Hon. James Torrans, senator, appointed a member of the board of supervisors of La Fayette County; Hon. Myron D. Kent, member of the house of representatives, appointed circuit judge of the thirteenth judicial district, and Hon. A. M. Hawkins, member of the house of representatives, appointed a member of the board of supervisors of Little River County.

In the sixteenth district, composed of the counties of Union and Calhoun, vice Hon. William B. Coit, member of the house of representatives, appointed circuit clerk of Ouachita County, and Hon. Willis Robertson, member of the house of representatives, appointed county superintendent of public instruction for Calhoun County.

In the seventeenth district, composed of the counties of Clark, Pike, and Sevier, and so much of the county of Howard as was taken from the counties of Pike and Sevier, vice Hon. James H. Howard, senator, appointed prosecuting attorney of the eighth judicial district; Hon. George A. Kingston, member of the house of representatives, appointed circuit judge of the fourteenth judicial district; Hon. L. S. Corbell, member of the house of representatives, appointed sheriff of Howard County, and Hon. O. L. Hawkins, member of the house of representatives, appointed county clerk of Howard County.

In the nineteenth district, composed of the county of Ouachita and so much of the county of Nevada as was taken from the county of Ouachita, vice Hon. James T. Elliott, senator, appointed circuit judge of the ninth judicial district; Hon. H. A. Milton, member of the house of representatives, appointed a member of the board of supervisors of Ouachita County, and Hon. C. Thrower, member of the house of representatives, resigned.

In the twentieth district, composed of the counties of Jefferson and Bradley, so much

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of the county of Lincoln as was taken from the counties of Jefferson and Bradley, so much of the county of Dorsey as was taken from the counties of Jefferson and Bradley and from this portion of the county of Lincoln, and so much of the county of Grant as was taken from the county of Jefferson, vice Hon. V. M. McGhee, member of the house of representatives, appointed prosecuting attorney of the tenth judicial district; Hon. Ferdinand Havis, member of the house of representatives, appointed assessor of Jefferson County, and Hon. James M. Merritt, member of the house of representatives, appointed assessor of Bradley County.

In the twenty-first district, composed of the counties of Dallas, Saline, and Perry, so much of the county of Grant as was taken from the county of Saline, so much of the county of Dorsey as was taken from the county of Dallas, and so much of the county of Garland as was taken from the county of Saline, vice Hon. William R. Harley, member of the house of representatives, appointed county superintendent of public instruction for Dallas County.

In the twenty-second district, composed of the counties of Ashley, Chicot, Drew, and Desha, so much of the county of Lincoln as was taken from the counties of Drew and Desha, and so much of the county of Dorsey as was taken from this portion of the county of Lincoln, vice Hon. Stephen W. McLeod, member of the house of representatives, appointed sheriff of Dorsey County; Hon. O. F. Parish, member of the house of representatives, resigned, and Hon. J. T. W. Tiller, member of the house of representatives, resigned; and

Whereas it is provided by section thirteen of an act of the general assembly of the State entitled "An act to provide for the election of all executive and judicial officers, members of the general assembly, Representatives of the State in the Congress of the United States, and presidential electors," approved July 23, 1869, and still of full force and effect, that it shall be the duty of the sheriff of each county, at least twenty days before each general election, and ten days before the holding of each special election, to give the public notice by proclamation throughout the county of the time and several places of holding such elections in his county, and the officers to be elected at that time:

Now, therefore, I, Elisha Baxter, governor of the State of Arkansas, in pursuance of law, do hereby declare and make known that an election will be held in the several senatorial and representative districts hereinbefore mentioned, on the 4th day of November, A. D. 1873, for the election of senators and members of the house of representatives of the general assembly of the State, to fill the vacancies hereinbefore mentioned, to wit:

In the first senatorial and representative district, two members of the house of representatives.

In the second district, two members of the house of representatives.

In the third district, one member of the house of representatives.

In the fourth district, one member of the house of representatives.

In the fifth district, one senator and two members of the house of representatives.

In the sixth district, two members of the house of representatives.

In the seventh district, one senator.

In the eighth district, one member of the house of representatives.

In the ninth district, one senator and three members of the house of representatives.

In the tenth district, two members of the house of representatives.

In the eleventh district, one senator and five members of the house of representatives.

In the twelfth district, one senator.

In the thirteenth district, one member of the house of representatives.

In the fourteenth district, one senator and three members of the house of representatives.

In the fifteenth district, one senator and two members of the house of representatives.

In the sixteenth district, two members of the house of representatives.

In the seventeenth district, one senator and three members of the house of representatives.

In the nineteenth district, one senator and two members of the house of representatives.

In the twentieth district, three members of the house of representatives.

In the twenty-first district, one member of the house of representatives.

In the twenty-second district, three members of the house of representatives.

The sheriffs of the respective counties composing the said districts are hereby commanded to cause said election to be held and opened according to law, and to give at least ten (10) days' notice thereof in their respective counties.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed, at Little Rock, this eighteenth day of September, A. D. 1873.

[L. S.]

ELISHA BAXTER,
Governor of Arkansas.

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APPENDIX C.

List of persons who were elected members of the general assembly, at the general election, 1872, and whose term of service did not expire until January, 1875 and 1877:

FIRST DISTRICT.

Senator—J. G. Frierson.
Representatives—R. Joiner, W. H. Cate, H. M. McVeigh, F. W. Lunn.

SECOND DISTRICT.

Senator—T. J. Ratcliff.
Representatives—B. H. Crowley, George Thornburg, W. G Matheny.

THIRD DISTRICT.

Senator—W. M. Dugger.
Representatives—W. L. Chapman, J. M. Foster, Joseph Wright, J. F. Cunningham.

FOURTH DISTRICT.

Senator—R. W. McChesney.
Representatives—Rufus Lee, Joseph Cleveland, J. G. Nunn.

FIFTH DISTRICT.

Senator—A. D. Thomas.
Representatives—Benton Turner, Y. B. Sheppard, J. S. Stephenson.

SIXTH DISTRICT.

Senator—Thomas A. Hanks.
Representatives—J. N. Sarber, P. H. Spears, J. A. Shrigley.

SEVENTH DISTRICT.

Senator—A. Caraloff.
Representatives—David Chandler, J. H. Berry, D. Bridenthal, T. W. Thomason.

EIGHTH DISTRICT.

Senator—B. J. Brown.
Representatives—J. A. Davie, C. E. Berry, L. C. White, S. L. Strong.

NINTH DISTRICT.

Senator—Asa Hodges.
Representatives—W. L. Copeland, Adam Johnson, Chas. Brown, J. H. Johnson.

TENTH DISTRICT.

Senator—John Goad.
Representatives—W. I. Warwick, Neal Brown, J. B. Chaplin, J. M. Murphy. J. M. Gist, L. B. Mitchell.

ELEVENTH DISTRICT.

Senator—J. T. White.
Representatives—J. W. Williams, Toney Grisson, J. W. Fox, W. H. Furbush, G. H. W. Stuart, H. H. Robinson.

TWELFTH DISTRICT.

Senator—P. C. Dooley.
Representatives—M. M. Erwin, J. P. Eagle, J. T. Preston, D. J. Hynds.

THIRTEENTH DISTRICT.

Senator—D. P. Belden.
Representatives—J. D. Gilbreath, J. J. Sumpter, G. G. Latta.

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FOURTEENTH DISTRICT.

Senator—John Brooger.
Representatives—H. Shepperson, R. T. Page, W. A. Marshall.

FIFTEENTH DISTRICT.

Senator—James Torrans.
Representatives—M. E. Hawkins, M. D. Kent, A. M. Hawkins.

SIXTEENTH DISTRICT.

Senator—W. A. Coit.
Representatives—Willis Roberson, W. A. Coit.

SEVENTEENTH DISTRICT.

Senator—J. A. Howard.
Representatives—C. W. Tankersley, G. A. Kingston, L. S. Corbett, O. S. Hawkins.

EIGHTEENTH DISTRICT.

Senator—B. F. Askew.
Representatives—W. A. Beasley, W. H. C. Reid, J. C. Walker.

NINETEENTH DISTRICT.

Senator—J. T. Elliott.
Representatives—H. A. Millen, C. Thrower.

TWENTIETH DISTRICT.

Senators—J. M. Clayton, R. A. Dawson.
Representatives—A. E. Beardsley, A. J. Wheat, William Murphy, Ferd. Havis, V. M. McGehee, J. W. Merritt.

TWENTY-FIRST DISTRICT.

Senator—B. B. Beavers.
Representatives—J. W. Gossett, W. R. Harley.

TWENTY-SECOND DISTRICT.

Senators—S. A. Duke, S. H. Holland.
Representatives—S. W. McLeod, J. C. Rawlins, J. E. Joslyn, X. J. Pindall, O. T. Parrish, J. T. W. Tillar.

APPENDIX D.

List of persons returned as having been elected at the special election held in pursuance of the proclamation of the governor.

FIRST DISTRICT.

Representatives—F. Doswell and Richard Walls.

SECOND DISTRICT.

Representatives—Charles Coffin and P. K. Lester.

THIRD DISTRICT.

Representatives—H. C. Allen and D. G. Hart.

FOURTH DISTRICT.

Representative—W. J. McClellan.

FIFTH DISTRICT.

Senator—J. R. H. Scott.
Representatives—L. W. Davis and J. P. Venable.

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SIXTH DISTRICT.

Representatives—A. D. King and Mat. Hixon.

SEVENTH DISTRICT.

Senator—Jasper Dunagan.

EIGHTH DISTRICT.

Representative—J. F. Wheeler.

NINTH DISTRICT.

Senator—J. M. Pollard.
Representatives—J. M. Thompson, J. F. Smith, and S. P. Sweepston.

TENTH DISTRICT.

Representatives—W. B. Carter and Lee L. Thompson.

ELEVENTH DISTRICT.

Senator—Ezra Sawyer.
Representatives—Thomas Barron, Robert Polk, T. M. Jacks, P. McCowan, and Wilson Foreman.

TWELFTH DISTRICT.

Senator—G. F. Lovejoy.

THIRTEENTH DISTRICT.

Representative—H. H. Barton.

FOURTEENTH DISTRICT.

Senator—J. K. Jones.
Representatives—O. P. Anderson, J. D. Conway, and D. J. Montgomery.

FIFTEENTH DISTRICT.

Senator—James Torrans.
Representatives—G. S. Scott and J. B. Burton.

SIXTEENTH DISTRICT.

Representatives—B. W. Johnson and Edward Nelson.

SEVENTEENTH DISTRICT.

Senator—J. D. McCabe.
Representatives—H. H. Arnold, B. D. Brock, and A. J. Marsh.

NINETEENTH DISTRICT.

Senator—H. G. Bunn.
Representatives—H. M. Purefoy and J. A. Ainsley.

TWENTIETH DISTRICT.

Representatives—A. B. McGuire, C. C. Johnson, and W. W. Heughey.

TWENTY-FIRST DISTRICT.

Representative—M. M. Duffie.

TWENTY-SECOND DISTRICT.

Representatives—J. T. W. Tiller, L. L. Johnson, and A. W. Files.

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APPENDIX E.

Proclamation of Governor Baxter calling the general assembly together.

To the members of the senate and house of representatives of the general assembly of the State of Arkansas:

Events of the most extraordinary character, involving the peace and welfare of the people of the State, having recently transpired, as the executive of the State I communicate these matters to the Executive of the nation, stating to him that I had been forcibly ejected from the executive office, and was prevented by the intervention of Federal troops from asserting by force my claim to said office.

At last, on the 22d day of April, 1874, I sent the following dispatch to the President:

To the President of the United States:

As I cannot move with my troops to assert my claims to the office of governor without a collision with the United States troops, which I will not bring about under any circumstances, I propose to call the legislature together at an early day, and leave them to settle the question, as by law they alone have the jurisdiction, but to do this the members of the legislature must have assurances of protection from you, and a guarantee that they may meet in safety. This will be a peaceable solution of the difficulty, and I will readily abide by the decision of the legislature.

ELISHA BAXTER,
Governor of Arkansas.

I was promptly assured by the President in the following language:

WASHINGTON, *April* 22.

Hon. ELISHA BAXTER,
Little Rock, Ark.:

I hereby approve any adjustment, peaceably, of the pending difficulty in Arkansas, by means of the legislative assembly, the courts, or otherwise, and I will give all the assistance and protection I can under the Constitution and laws of the United States to such modes of adjustment. I hope that the military forces on both sides will now disband.

U. S. GRANT,
President.

Now, therefore, deeming the present occasion one of sufficient magnitude, and after such assurances received from the Executive of the nation, I deem myself warranted in the exercise of the power vested in me by the constitution of the State, to convene, and I do hereby convene, the legislature of the State of Arkansas, to meet at Little Rock, the capital of the State, on Monday, the 11th day of May, A. D. 1874, at 12 o'clock m.

In testimony whereof I have hereunto set my hand and affixed my private seal, the seal of the State not being at present accessible. Done at the capital, this 22d day of April, in the year of our Lord one thousand eight hundred and seventy-four.

ELISHA BAXTER,
Governor of Arkansas.

APPENDIX F.

Bill to provide for a convention to frame a new constitution, passed at the extraordinary session of the general assembly.

Whereas it is manifest that there are many defects and objectionable provisions in the present constitution of the State, and that it is not satisfactory to the people thereof; Therefore, be it enacted by the general assembly of the State of Arkansas, convened in extraordinary session, as follows:

SECTION 1. That a convention of the people of the State is called to assemble at Little Rock, the capital of the State, on Tuesday, the 14th day of July, 1874, for the purpose of framing a new constitution and providing for putting the same into force.

SEC. 2. That the delegates to said convention shall be chosen by the qualified electors of each county of the State in the manner hereinafter provided, and shall possess the same qualifications as are provided for a member of the house of representatives.

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SEC. 3. Each county in the State, as now organized, shall be entitled to one delegate to said convention, and the following counties shall be entitled to the additional delegates herein mentioned, to wit:

The county of Washington shall be entitled to two additional delegates; Benton, one; Clark, one; Hempstead, one; Independence, one; Jefferson, two; Ouachita, one; Phillips, two; Pulaski, three; Sebastian, one; Union, one; White, one; Columbia, one.

SEC. 4. An election shall be held at the several election-precincts of every county in the State on Tuesday, the 30th day of June, A. D. 1874, for the purpose of electing delegates to said convention.

SEC. 5. Said election shall be conducted in accordance with existing laws, except as herein otherwise provided.

SEC. 6. There shall be elected by joint vote of the senate and house of representatives a State board of supervisors of said election, to consist of three men of known intelligence and uprightness, who shall take an oath faithfully and impartially to discharge the duties of their office, a majority of whom shall constitute a quorum, and who shall perform the duties herein assigned them.

SEC. 7. Said State board shall at once proceed to appoint a board of election-supervisors for each county of the State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State board; a majority of each board shall constitute a quorum, and shall perform the duties herein assigned to them.

SEC. 8. The boards of county election-supervisors shall at once proceed to appoint three judges of election for each election-precinct in their respective counties, and the judges shall appoint three election-clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as above prescribed.

SEC. 9. The State board shall prescribe the form of poll-books, and each county board shall furnish the judges of each election-precinct with three copies of the poll-books in the form so prescribed, at the expense of the county.

SEC. 10. Should the judges of any election-precinct fail to attend at the time and place provided by law, or refuse to act, the assembled electors shall choose competent persons in the manner provided by law, to act in their places, who shall be sworn as above.

SEC. 11. As the electors present themselves at the polls to vote, the judges shall pass upon their qualifications, whereupon the clerks of election shall register their names on the poll-books, and such registration by said clerks shall be a sufficient registration in conformity to the constitution of this State, and then their vote shall be taken: *Provided*, No person shall vote outside or elsewhere than in the township, ward, or precinct in which he resides. The electors shall be numbered and the number of each elector marked on his ballot by one of the judges when deposited.

SEC. 12. After the ballots are counted by the judges, and the result certified on the poll-books by them, the poll-books, and the ballots sealed up, shall be returned to the county board of election-supervisors, who shall proceed to cast up the votes, ascertain the result, and furnish the person elected as delegate to the convention with certificate of election. Each county board shall return to the State board the name or names of the delegates elected, and a full list of the delegates shall be laid before the convention on the day it assembles, by the State board.

SEC. 13. Each county board shall also return to the State board the names of all persons voted for, with the number of votes received by each.

SEC. 14. If there is a failure to hold an election in any county, or a vacancy occurs in the office of delegates, the president of the convention may order an election in such county forthwith, to elect a delegate or delegates to fill such vacancy or vacancies.

SEC. 15. If a majority of the delegates elected to the convention are not present on the day fixed for it to meet, the members present may adjourn from day to day, until a majority is present, and then proceed to be organized.

SEC. 16. The delegates and officers of the convention shall take an oath to support the Constitution of the United States.

SEC. 17. Any election officer elected or appointed under the provisions of this act who shall fraudulently and corruptly register, cast up, or make a false return of said election, shall be deemed guilty of felony, and, on conviction thereof, shall be imprisoned in the jail or penitentiary-house not less than five nor more than ten years, and any person who shall vote more than once, or bribe any person to vote contrary to his wishes, or intimidate or prevent any elector by threats or promises from voting, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the jail or penitentiary-house not less than one nor more than five years, and the judges of the several circuit and criminal courts of the State shall give this section specially in charge of the grand juries of their jurisdiction.

SEC. 18. The convention shall have power to determine the election, qualification, and returns of its members.

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SEC. 19. A sufficient amount of money is hereby appropriated out of the State treasury to pay the necessary expenses of said convention should one be held.

SEC. 20. That at said election the electors shall have written or printed on their ballots, in addition to the name or names voted for as delegate or delegates, "for convention" or "against convention," and said returning-officers shall certify the vote for and against convention in the same manner that the vote for delegate is required to be certified, and if a majority voting vote for a convention, said convention shall be held at the time herein specified, and the delegates to said convention shall receive the same mileage and per diem as is now received by the members of the general assembly.

SEC. 21. The governor shall immediately issue his proclamation for an election under the provisions of this act.

SEC. 22. That all acts and parts of acts in conflict with this act be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

APPENDIX G.

Extracts from the schedule of the proposed new constitution of the State.

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SEC. 3. An election shall be held at the several election-precincts of every county in the State, Tuesday the 13th day of October, 1874, for governor, secretary of state, auditor, treasurer, attorney-general, commissioner of State lands, (for two years unless the office is sooner abolished by the general assembly,) chancellor, and clerk of the separate chancery court of Pulaski County, chief-justice and two associate justices of the supreme court, a circuit judge and prosecuting attorney for each judicial circuit, provided for in this constitution, senators and representatives to the general assembly, all county and township officers provided for in this constitution, and also for the submission of this constitution to the qualified electors of the State for its adoption or rejection.

* * * * * * * * *

SEC. 7. Augustus H. Garland, Gordon N. Peay, and Dudley E. Jones are hereby constituted a State board of supervisors of said election, who shall take an oath faithfully and impartially to discharge the duties of their office; a majority of whom shall be a quorum, and who shall perform the duties herein assigned them. Should a vacancy occur in said board by refusal to serve, death, removal, resignation, or otherwise, or if any member should become incapacitated for performing said duties, the remaining members of the board shall fill the vacancy by appointment. But if all the places on said board become vacant at the same time, the said vacancies shall be filled by the president of the convention.

SEC. 8. Said State board shall at once proceed to appoint a board of election-supervisors for each county of this State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above prescribed for the State board. A majority of each board shall constitute a quorum, and shall perform the duties herein assigned to them; and vacancies occurring in the county boards shall be filled by the State board.

* * * * * * * * *

SEC. 11. The boards of county election-supervisors shall at once proceed to appoint three judges of election for each election-precinct in their respective counties, and the judges shall appoint three election-clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as prescribed above. Should the judges of any election-precinct fail to attend at the time and place provided by law, or decline to act, the assembled electors shall choose competent persons in the manner provided by law to act in their places, who shall be sworn as above.

* * * * * * * * *

SEC. 14. The judges shall deposit the tickets in the ballot-box; but no elector shall vote outside of the township or ward in which he resides. The names of the electors shall be numbered, and the corresponding numbers shall be placed on the ballots by the judges when deposited.

* * * * * * * * *

SEC. 16. The polls shall be opened at eight o'clock in the forenoon, and shall be kept open until sunset. After the polls are closed the ballots shall be counted by the judges, at the place of voting, as soon as the polls are closed, unless prevented by violence or accident, and the result by them certified on the poll-books, and the ballots sealed up. They shall be returned to the county board of election-supervisors, who shall proceed to cast up the votes, and ascertain and state the number of votes cast for the constitution, and the number cast against the constitution, and also the number

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of votes cast for each candidate voted for any office, and shall forthwith forward to the State board of supervisors, duly certified by them, one copy of the statement or abstracts of the votes so made out by them, retain one copy in their possession, and file one copy in the office of the county clerk, where they shall also deposit, for safe-keeping, the ballots, sealed up, and one copy of the poll-books, retaining possession of the other copies.

SEC. 17. The State board of supervisors shall at once proceed, on receiving such returns from the county boards, to ascertain therefrom and state the whole number of votes given for the constitution and the whole number given against; and if a majority of all votes cast be in favor of the constitution, they shall at once make public that fact by publication in two or more of the leading newspapers published in the city of Little Rock, and this constitution from that date shall be in force; and they shall also make out and file in the office of the secretary of state an abstract of all the votes cast for the constitution and all the votes cast against it, and also an abstract of all votes cast for every candidate voted for at the election, and file the same in the office of the secretary of state, showing the candidates elected. They shall also make out, and certify, and lay before each house of the general assembly, a list of the members elected to that house, and shall also make out, certify, and deliver to the speaker of the house of representatives an abstract of all votes cast at the election for any and all persons for the office of governor, secretary of state, auditor of State, attorney-general, and commissioner of State lands, and the speaker shall cast up the votes and announce the names of the persons elected to these offices.

The governor, secretary of state, treasurer of State, auditor of State, attorney-general, and commissioner of State lands chosen at said election shall qualify and enter upon the discharge of the duties of their respective offices within fifteen days after the announcements of their election as aforesaid.

SEC. 18. All officers shown to be elected by the abstract of said election, filed by the State board of supervisors in the office of the secretary of state, required by this constitution to be commissioned, shall be commissioned by the governor.

SEC. 19. At said election the qualified voters of each county and senatorial district, as defined in article eight of this constitution, shall elect, respectively, representatives and senators, according to the numbers and apportionment contained in said article. The board of election-supervisors of each county shall furnish certificates of election to the house of representatives as soon as practicable after the result of the election has been ascertained, and such board of election-supervisors in each county shall make a correct return of the election for senator or senators to the board of election-supervisors of the county first named in the senatorial apportionment, and said board shall furnish certificates of election to the person or persons elected as senator or senators in said senatorial district as soon as practicable.

SEC. 20. All officers elected under this constitution, except the governor, secretary of state, auditor of State, treasurer, attorney-general, and commissioner of State lands, shall enter upon the duties of their several offices when they shall have been declared duly elected by said State board of supervisors, and shall have duly qualified. All such officers shall qualify and enter upon the duties of their offices within fifteen days after they have been duly notified of their election.

SEC. 21. Upon the qualification of the officers elected at said election, the present incumbents of the offices for which the election is held shall vacate the same, and turn over to the officers thus elected and qualified all books, papers, records, moneys, and documents belonging or appertaining to said offices by them respectively held.

SEC. 22. The first session of the general assembly under this constitution shall commence on the first Tuesday after the second Monday in November, 1874.

APPENDIX H.

Ordinance adopted by the late constitutional convention on the 4th day of September, 1874.

Be it ordained by the people of the State of Arkansas in convention assembled:

SECTION 1. That the office of lieutenant-governor of the State be, and the same is hereby, abolished.

SEC. 2. That the office of superintendent of the penitentiary be, and the same is hereby, abolished, and it shall be the duty of the governor to see that the lessee of the penitentiary faithfully executes his contract.

SEC. 3. The office of commissioner of public works and internal improvements be, and the same is hereby, abolished, and it shall be the duty of the commissioner now holding the office to deposit in the office of secretary of state, for safe-keeping, all the books, papers, and records of the office, and take a schedule-receipt therefor.

SEC. 4. That the office of the superintendent of public instruction be, and the same hereby, abolished, and it shall be the duty of the superintendent now holding said

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office to turn over to the auditor all the books, papers, records, and furniture of his office, and take a schedule-receipt therefor.

SEC. 5. That the office of the insurance commissioner of Arkansas be, and the same is hereby, abolished, and it shall be the duty of the person now holding said office to deposit in the office of the secretary of state all the books, papers, records, bonds, and securities in said office, and take a schedule-receipt therefor.

SEC. 6. That the office of warden of the penitentiary be, and the same is hereby, abolished.

SEC. 7. That the office of store-keeper to the penitentiary be, and the same is hereby. abolished.

LITTLE ROCK, ARK., *October* 10, 1874.

HON. V. V. SMITH, *Lieutenant-governor of Arkansas:*

You state that at the time and in the manner prescribed by law, previous to the November election of 1872, registrars were appointed, and that said registrars made a registration of the legal electors of said State of Arkansas; and that neither said board, nor the persons composing the same, have died or resigned, but are yet residents and citizens of said State, except in a few isolated instances, and these occurred before the adjournment of the Senate on the 25th of April, 1873; that afterward, to wit. on the 18th day of September, 1873, the governor of said State ordered a registration of the legal electors of the State, and appointed a new board of registration, composed of different persons than those who constituted the registration-board of 1872; that the persons so appointed by the governor in 1873 made a registration of the electors of said State, and that at the election held in November of 1873, to fill vacancies in the general assembly, the persons registered as electors by the board of registration appointed by the governor in 1873, were allowed to vote, and that the election was held by persons appointed judges of election by the board so appointed by the governor, in the year last named.

Upon this state of facts, your first question is:

Whether the appointment of registrars made by Governor Baxter in 1873 was authorized by law.

Section one of the registration act (Sess. Acts of First Sess., 1868) reads as follows:

That on or before the first day of August, 1868, and every two years thereafter, the governor shall, by and with the advice and consent of the senate, appoint three loyal competent, and discreet citizens in each county, who shall have resided at least six months in the county next preceding their appointment; said persons to be styled and called a board of registration.

The section of said act reads as follows:

The governor shall fill any vacancy occurring in any of the appointments made by him, and may in his discretion remove any one so appointed by him for incompetency or other sufficient cause.

The power of removal conferred by the second section of the registration-act is limited to persons that the governor may have appointed to fill a vacancy.

The language of the section is that he may "remove any one so appointed by him."

The only case where the absolute power of appointment is given to the governor alone, is to fill a vacancy. The appointment of registrars, in the first instance, is by the governor, by and with the advice and consent of the senate. The power of removal conferred by the second section is not broad enough, nor do I think it was the design of the same to authorize the removal of persons that had been appointed "by and with the consent of the senate."

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If it be true, as you state, that the persons appointed registrars in 1872 are not dead, have not resigned, and are yet residents and citizens of the State, I am at a loss to see where Governor Baxter got any authority to appoint a new board of registration.

The twenty-third section of the act authorizes the governor, "where, for any reason, a proper registration has not been made previous to any general election, to cause a new registration to be made for the purpose of any municipal, State, or county election." This section contains no conference of power to remove any one. The power conferred is to cause a "new registration" to be made.

The registrars appointed in 1872 were, under the law, appointed for two years, and, if they did not resign or abandon the office, the second section confers no power to remove any one save such as the governor had appointed to fill vacancies. The appointment of other persons to make the registration amounted to a removal of the old registrars, if the act was authorized by law; if it was not, it was a usurpation of power, and all acts had, done, and performed thereunder are absolutely void. The power to fill a vacancy does not include the power to create a vacancy. In the case of Keenan *vs.* Perry, (24 Texas, 257,) it was held that "where the power of appointment is exclusively vested in any tribunal or department of government, and the office is held at the discretion of the tribunal, the mere appointment of a successor is, *per se*, a removal of the prior incumbent." The rule here laid down is correct, if the power to remove is contained in the act authorizing the appointment, as was the fact in the case cited.

In the case of Field *vs.* The People, (12 Scam., 109,) it was held that "where the power of appointment was conjointly vested in the governor and senate, that the governor alone could not remove." In the case of Dubuc *vs.* Voss, (19 La. An.,) the court said, "The power to remove is not incident to the power to appoint." The power of the governor, even to fill vacancies, in my opinion is restricted. In the case of The People *vs.* Ewing, (Breeze, 68,) it was held that "the governor cannot make an appointment in the recess of the general assembly unless the vacancy occurred since the adjournment of that body."

This, although we have no constitutional provision or statute on the subject, I believe, from analogy and practice, to be the law of this State. If it is, Governor Baxter was restricted, in the appointment of registrars, to the filling of such vacancies as occurred between the 25th of April, 1873, and the day of election, and these appointments would not hold good only until the next meeting of the legislature, which was in May of 1874, unless confirmed by the senate.

Your second question is:

Whether the governor was authorized by law to order a registration in 1873 for the registration of the class of persons referred to in his proclamation.

The power to order a registration is derived from the statute. A statutory power must be strictly pursued by executive officers. The twenty-third section of the registration-act declares that "if, for any reason, a proper registration has not been made previous to any general election, the governor, when notified of the fact, shall cause a new registration to be made." It is a well-settled principle of the law that where a special and exclusive authority is delegated to a tribunal or officer of the government, and no mode of revising his action or decision by appeal or otherwise is provided by law, his action and determination final and conclusive of the matter submitted to his decision. (Keenan *vs.* Perry, 24 Texas, 253; Dubuc *vs.* Voss, 19 La. An., 211; Martin *vs.* Mott, 12 Wheat., 29.)

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Under this rule all questions as to notice and the sufficiency of the reasons is wholly within the discretion of the governor, subject to such limitations only as the law may have surrounded him with. The ground on which, or rather the reason, he assigns for ordering a new registration is that "a registration of the legal voters has not been made since the adoption and ratification of the amendment to the constitution, known as article eight." I have said that the authority to order a new registration was a statutory power, and that such power must be pursued strictly by executive officers. The power to order a new registration depends solely upon whether "a proper registration" was made "previous to a general election."

If a proper registration (and by this is meant such a registration as should have been made in the first instance) was made previous to a "general election," that registration must stand for two years. If there was not, then the governor may order a new one. The governor does not claim that a "proper registration" was not made of all the legal electors of the State, of the counties named in his proclamation, previous to the "general election" held in November of 1872.

His proclamation says "a registration of the legal electors of the State has not been made since the adoption and ratification of the amendment to the constitution known as Article VIII."

The question, then, is: Does the twenty-third section of the registration-act authorize the governor to order a registration, to place the names of persons on the registration-books who did not possess the qualification of electors at the time the registration was made "previous to the general election" in 1872?

I think not. The registration, when once made, is expected to stand for two years. It frequently happens that many persons who are not possessed of the requisite qualifications of an elector at the time the registration is being made, on account of want of residence and non-age, outgrow, within a very short time after the election, the disqualifications that existed when the law fixes the time for ascertaining the qualifications of electors. If, after they have outgrown their disabilities, a special election should be ordered, these persons could not vote, because the law makes no provision by which their names may be placed on the registration-books. Registration under the constitution and laws of this State is a prerequisite to voting. It may be a hardship on those persons who may have come into the possession of the requisite qualifications since the registration to deny them the privilege of electors at special elections being held, after their disabilities no longer exist. If it is, it is one the law imposes, and the remedy is by legislation. Would the governor have the power to order a registration preceding a special election for the purpose of giving the persons who had become of age since the "previous registration" an opportunity to vote? Would he have the power to order a registration to give the persons an opportunity to vote at a special election who, by residence, had acquired the right to be an elector, but who did not possess this right at the time the general election was to be held? I think not.

An elector, not only at a general but at a special election, must have his rights ascertained immediately preceding a general election.

The fact that a considerable number of persons, by the adoption of the amendment to the constitution known as Article VIII, became entitled to the ballot who were not entitled to it prior to the November election of 1872, does not go to establish the fact that "a proper registration" was not made preceding the "general election." In fact, the proclamation of the governor clearly and distinctly shows that the object in making

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the registration was to register a class of persons to vote at a special election that were not entitled to the use of the ballot at the time the registration was made in 1872.

The law does not authorize any such registration. The governor had a right to order a new registration without assigning any cause or reason therefor; but in the making of that registration the persons registered would have been examined, or should have been examined, with a view to ascertaining whether the persons applying therefor were possessed of the proper qualifications, not at the time the "new registration" was being made, but whether the persons applying had the proper qualifications of electors at the time "a proper registration" should have been made, to wit, before the general election.

No one can examine the registration law of this State and find any authority whatever for the placing of any name on the registration-book that did not possess the qualifications of an elector at the time the registration was being made, previous to "a" general election, nor can he find any authority for allowing a person to vote at a special election that did not possess all the qualifications of an elector at the general election immediately preceding it. The right to vote at a special election, under the laws of this State, depends solely upon the right to vote at a general election.

Under a statute in Missouri, the law requires the registration-book to be opened fifteen days before a special election, for the purpose of adding the names of such persons to the registry "as have become qualified voters after the closing of the registration made preceding the general election." Breckenridge, who had been a Federal soldier during the war, and who possessed all the qualifications of elector at the time the registration was made preceding the general election, and who was regularly registered at said registration, but the same having been declared illegal, and the entire registration of the county having been set aside, he applied to be registered before a "special election." In disposing of the application for mandamus, the supreme court of Missouri said, (State *vs.* Cook, 41 Mo. 597:) "It seems that the law makes no provision, in case where the books are destroyed, or they have been rendered ineffective for any reason, for making the registration anew. No new registration can be made until the next biennial election. There is undoubtedly a palpable defect in the law, a clear *casus omissus;* but this court cannot be appealed to to amend and perfect laws by judicial legislation.

There is no provision made for registering any persons except such as have qualified since the closing of the last general registry. A person, therefore, who was duly entitled to registration, and failed from any cause to be registered, cannot avail himself of the privilege when the lists are being completed in view of a special election.

It is a defect in the law, that persons in this State who may have become possessed of the requisite qualifications of an elector since the registration was made cannot participate in the special elections happening after they are qualified; but this defect cannot be remedied by the governor any more than it can by the courts. It is clear to my mind that no person can be permitted to register or vote at any election, no matter how many registrations may be ordered, that did not possess the requisite qualifications of an elector at the time "a proper registration" should have been made.

Your third question is:

Is the governor authorized, by the laws and constitution of this State, to determine when and whether a member of the legislature has "removed from his district," or vacated his seat by receiving an appointment to office incompatible with the constitution of the State?

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The general rule in regard to the construction of a State constitution is, that it is a limitation upon the powers of the legislative department, and a grant to the executive and judicial departments. This being true, neither the executive nor the judicial departments can exercise any authority or power except such as is clearly granted by the constitution or conferred by statutory enactments.

Section 14 of Article V, which is headed "legislative department," is as follows:

Each house shall choose its own officers, determine the rules of its proceedings, and judge of the election, qualification, and return of its own members.

Section 33 of the same article is as follows:

The general assembly shall regulate, by law, by whom, and in what manner, writs of election shall be issued to fill vacancies which may happen in either branch thereof.

Section 34 of the same article is as follows:

The general assembly may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose by this constitution.

From these sections it appears, first, that each house is the judge of the election, qualification, and return of its own members; second, that the general assembly is clothed with power to direct by law, by whom, and in what manner, writs of election shall be issued to fill vacancies which may happen in either branch thereof; and third, the power to declare the cases in which an office shall be deemed vacant, and the manner of filling the same, except in cases otherwise provided by the constitution.

The constitution nowhere authorizes the governor, nor is there any statute that I have been able to find, that authorizes him, to determine when an office has become vacant. Therefore, the words "except in the cases otherwise provided by this constitution" have no reference to his power. These clauses clearly indicate that the power of determining whether a vacancy exists, either in the general assembly or in any other department of the government, is not vested in the executive of the State, unless conferred on him by statute, which has not been done. Indeed, it may well be doubted whether it could be done.

Section 10 of Article V is as follows:

Removals of senators and representatives from their respective districts shall be deemed a vacation of their office.

Section 11 of the same article is as follows:

No person holding any office under the United States or this State, or any county office, excepting postmasters, notaries public, officers of the militia, and township officers, shall be eligible to or have a seat in either branch of the general assembly, and all votes given for any such person shall be void.

I understand this section to mean that all votes cast for any candidate for election to the general assembly, that holds any office at the time of being voted for, save those excepted, are void. I further understand it to mean that a person elected a member of the general assembly shall not have a seat therein, if he holds any office other than those specifically excepted. The language of the constitution is not that the "appointment" to one of the prohibited offices shall create a vacancy, as it is in the case of the "removal from the district," but that no person holding one of the prohibited offices shall have "a seat in either branch of the general assembly." The members of the legislature are not, in my opinion, a general assembly, only when they are convened in accordance with law, and in session.

The object of prohibiting a member of the general assembly from holding any of the prescribed offices obviously was to guard against him holding any position that might influence his action as a legislator. The duties of a legislator are not continuous, and if at the time he is

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called upon to act as such he is not of the proscribed class, I cannot see any objections to his holding his seat, notwithstanding he may have been "appointed to office." But be this as it may, one thing is very clear, and that is, it is no part of the duties of the governor to determine the question, and order an election to fill vacancies where none have been declared. We have already seen that the general assembly is clothed with the exclusive power to regulate by whom and in what manner writs of election shall be issued to fill vacancies in either branch of the legislature. The conference of power to designate by whom the writ of election shall be issued shows, conclusively, that the issuing of writs of election is not a duty devolving, by the constitution, on the chief executive of the State. The legislature, under the power conferred, could have designated the secretary of state, or any other person, to have performed this duty just as easily as it designated the governor.

This shows that the duty of issuing writs of election to fill vacancies is not a prerogative of the governor, but a plain, simple statutory duty, in the execution of which he has no more discretion than the sheriff of a county would have had he been charged with the duty.

Now let us see what the statute says. Section one, chapter 80, of Gould's Digest, p. 567, is as follows:

When any member elected to either house of the general assembly shall resign in the recess thereof, he shall address and transmit his resignation in writing to the governor, and when any such member shall resign, during any session, he shall address his resignation to the presiding officer of the house of which he is a member, which resignation shall be entered on the journals, in which case and in all cases of vacancy happening or being declared during any session of the general assembly, by death, expulsion, or otherwise, the presiding officer of the house in which such vacancy shall happen shall immediately notify the governor thereof, who shall immediately issue a writ of election to supply such vacancy.

Section 2 of said act is as follows:

Whenever the governor shall receive any resignation or notice of vacancy, or when he shall be satisfied of the death of any member of either house, during the recess thereof, he shall, without delay, issue a writ of election to supply such vacancy.

Three things are observable in the sections quoted: First, that the resignations made in vacation are to be addressed to the governor; second, that the resignations made during the session are to be made to the presiding officer of the house of which the person is a member; and third, that these sections contemplate, except in case of death or resignation during the recess of the general assembly, that each house, when the legislature is in session, shall declare the cases in which vacancies exist, whether they arise from "death, resignation, or otherwise." There are only two cases where the governor is authorized to issue a writ of election to fill a vacancy on his own motion. One is where a vacancy occurs by resignation during a recess of the legislature; the other is when he shall be satisfied of the death of a member during a recess thereof. It is true that the second section authorizes him to issue a writ of election on "notice of vacancy," but the "notice of vacancy" there referred to relates to the "notice of vacancy" referred to in the first section, and that the presiding officers of each house may have communicated to him. I understand you to say that Governor Baxter issued writs of election in two cases to fill vacancies occasioned by "removal from the district," and forty-two writs of election to fill vacancies arising from members of the general assembly having been "appointed to offices" other than those the constitution permits a member of the legislature to hold; that he did this on his own motion, and that this was done without receiving notice of the existence of any vacancies in either house "from the presiding officers thereof." This clearly is beyond the scope of his authority and the statutes. It would be dangerous power to place

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in the hands of any man, especially the chief executive officer of the State, to determine or declare vacancies in the general assembly.

Mere "appointment to office" is not a ground of disqualification to sit as a member of the general assembly. It is the holding a forbidden office that works disqualification, and the question of whether the office is being held (not whether a member received an "appointment") is a matter for the determination of the house of which he is a member, and not for the governor. Upon this question, it being a legislative and not a judicial determination, there are no adjudicated cases to be found in the books of the profession. The only two cases that I have come across that have any bearing on the question, are to be found in 17 Serg. and Rawle, (Pa.,) 219, and Brightley's Election Cases, 646. Under the law of Pennsylvania, a member of the common council of the city of Philadelphia is placed on the same plane of that of a member of the legislature. The constitution of Pennsylvania is almost in every respect similar to that of Arkansas in relation to members of the general assembly holding other offices; in fact, if anything, it is more stringent.

Duffield, while acting as a member of the common council of the city of Philadelphia, was appointed general superintendent of the clothing depot of the United States Arsenal. This was an office under the United States, and a member of the legislature was inhibited from holding it, therefore a member of the common council could not hold the same. The common council of the city of Philadelphia, like the different houses of the general assembly, was clothed with power to determine the election, qualification, and returns of its own members. Without giving Duffield notice, the common council declared his seat vacant. Therefore he applied for a *mandamus* to be re-instated. This was granted upon the sole ground that he had not been notified. Afterward the council notified Duffield to appear, and it again declared his seat vacant on the ground of holding an office that disqualified him.

Thereupon he applied for a *mandamus* to be re-instated. This was refused upon the ground that the tribunal charged by law with having the sole power of determining the qualifications of one of its members, after due notice, had found against him. All there is of the case as a precedent is, that the person charged with being under disabilities should have a full and fair hearing, before the tribunal authorized by law to pass on the question, before his seat is declared vacant. In the case of The Commonwealth *v.* Binns, (17 Serg. & Rawle, 219,) the question was whether Binns, who was an alderman of the city of Philadelphia, had vacated that office by having a paper, of which he was editor, designated by the Secretary of State of the United States as the newspaper in which the laws of Congress, &c., should be published. The court held, on an information in the nature of *quo warranto*, it did not vacate his office as alderman. In delivering the opinion, Judge Tod refers to some instances where the question of holding an office inhibited by the constitution was passed upon by the senate of that State. It seems that Philip S. Markley and Isaac D. Barnard, at the time of their election to the senate, were deputy attorney-generals, and that they had not resigned the same at the time of taking their seats as senators, nor did they afterward. A resolution was introduced in the senate declaring their seats vacant for the causes stated. Upon the question of adopting the resolution the vote stood—yeas, two; nays, twenty-five. The only use that can be made of this case is, that it is a precedent to show that the question of whether a member of the legislature is holding an office inhibited by the constitution is a matter for the determination of the house of

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which he is a member, and that until it has adjudicated and declared a vacancy, that none exists, and if none exists, it must be patent to all that the governor, under the law regulating the issuing of writs of election, is not authorized to order elections to fill vacancies that may or may not be declared. But in order to remove all doubts on this subject, let us put the question so there can no longer be any dodging it, and this may be done by asking if the power of determining whether a vacancy existed could be conferred upon the governor, even by an act of the legislature. That it is not conferred by the constitution we have seen, because the constitution says "each house shall be the judge of the election, qualification, and return of its own members." That it is not *ex necessitati* an executive duty, we have also seen; that the holding of an inhibited office is a thing that goes to the disqualification of a member the constitution declares. Under this state of facts, let us see if the legislature could confer the power on a governor, even if he were so disposed, to determine whether a member had vacated his office by being "appointed" to another.

I say it could not. By the constitution, the sole power of judging of the election, qualification, and return of a member is conferred on "each house." The rule in relation to a conference of power is, that it cannot be delegated unless the authority delegating the power has so declared. The power to pass laws, or the power to allow a statute to become a law, subject to the approval of the people, has time and time again been decided could not be done. The authority to issue writs of election may be delegated, because the constitution so declares. What is the declaration that a vacancy exists in either house but the declaration and passing upon the qualification of a member? Is not the determination that a member of the legislature has accepted an office that disqualifies him a passing upon his qualifications? Does not the constitution say that "each house" must do this? If it does, what implication does it raise? Would not the exercise of such a power be an exercise of a power lodged with each house of the legislative department? Does not the constitution say that "no person belonging to one department shall exercise the power belonging to another?" Does the governor belong to the legislative department? I do not say that the acceptance of a prohibited office does not disqualify one who had been a member of the legislature from thereafter acting as member of the general assembly. This, I say, I do not deny. But I do deny that the governor was, is, or can be, clothed with power to declare a vacancy in either branch of the general assembly and order an election to fill the same. The fact of disqualification may be known to every man, woman, and child in the State, but until it has been declared by a tribunal that is authorized to ascertain and declare the fact, it does not exist.

A sheriff may have seen a man commit a most atrocious and wanton murder. He may be perfectly confident that when the court meets a jury would convict him, and that the judge would sentence him to be hanged, but all this would not warrant the sheriff in executing the murderer until his guilt had been declared in the manner prescribed by law. And so with the governor. He may have been satisfied in his own mind that the persons whose seats he declared vacant had accepted offices that would disqualify them from serving as members of the general assembly, but until this fact was determined and declared by the only tribunal authorized to make that declaration, he had no right or power to order an election. It may have been done with the best of motives, and with the belief that he had the power; but neither motives

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nor belief changes the fact that he did not have the power to issue writs of election to fill anticipated instead of real vacancies.

The governor does not even pretend that any one of the persons ever accepted or entered upon the discharge of the duties of the office to which he says they were "appointed." If the governor can disqualify a member of the general assembly from acting as such by mere "appointment" to office, you have placed it within his power to get rid of his political enemies in the legislature at all times. The question, not only of having received an "appointment," but of having accepted it, as well as having performed the other prerequisites necessary to clothe one with the insignia of office, are questions that cannot be delegated to any other department of government. An attempt was made in the case of The People *vs.* Mahaney, 13 Mich., to get the supreme court of Michigan to declare a law unconstitutional because three members of the legislature whose votes were necessary to the requisite majority, in point of fact were not entitled to seats. In response to the demand, Judge Cooley said:

The general judicial power of the State upon the courts and officers specified is conferred by the constitution, and there are other powers of a judicial nature, which, by the same instrument, are expressly conferred upon other bodies or officers, and among them is the power to judge of the election, qualification, and returns of the members of the legislature. The terms employed clearly show that each house, in deciding, acts in a judicial capacity, and there is no clause in the constitution which empowers this or any other court to review their action. * * * The question of the legal election of a member is usually a question compounded of law and fact, and the house must necessarily pass upon both. * * * It is sufficient for us to say that the constitution has not conferred upon us this jurisdiction; we leave it where it has been left by the fundamental law of the State.

Your fourth question is:

Were the judges of election appointed by the board of registration in 1872, or the judges of election appointed by the board of registration appointed in 1873 by Governor Baxter, without the advice and consent of the senate, the proper persons to hold the special election in 1873, and make returns thereof?

I have already stated that Governor Baxter had no authority under the laws of this State to appoint registrars, save to fill such vacancies as occurred since the 25th of April, 1873, the time of the adjournment of the legislature. If vacancies existed prior to that date, it was his duty under the law to have sent the nominations to the senate. In those counties where there was a board of registration in existence, he had no power to appoint another, and if the boards thus illegally appointed attempted to or did appoint persons as judges of election, in the different precincts of their respective counties, the act was an absolute nullity. The first section of the election act is as follows, (Sess. Acts, first sess., 1868, p. 315:)

All general elections for the election of any executive or judicial officers, members of the general assembly, &c., shall be held on the Tuesday next after the first Monday in November, and shall be biennial, commencing at the general election in 1868.

Section four of the same act is as follows:

The board of registration for each county, immediately before such election, (the general election,) shall appoint three discreet persons in each election-district, having the qualifications of electors, to act as judges of election with the election district, &c.

Section 6 of said act is as follows:

The judges of election appointed as aforesaid shall continue to be the judges of all elections within their respective districts until the next general election.

The time of appointing the judges of election is immediately before "such election." The words, "such election," refer to the general election spoken of in the first section, and not to a special election to

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fill vacancies. Once appointed, the law says they shall be judges of all elections within their respective districts until the next general election, not until the next special election. It is a well-established principle of law, and so generally understood that it is scarcely necessary to cite authorities in support of the proposition, that where a power of appointment is conferred on a board and it is once exercised, at the time designated by law, the board cannot revoke its action after once having made an appointment. It might be conceded, for the sake of argument, that Governor Baxter had the power to appoint new boards of registration, but even this new board could not exercise the power of appointing judges of election to hold the election in 1873, because the law says the appointment shall be made immediately preceding a general election, and that, when so appointed, they "shall be the judges of all elections held within their respective districts until the next general election." The election in 1873 was not a general election, it was a special election, and there is no law authorizing the board of registration to appoint judges of election at any other time than "immediately before a general election." This appointment having been made, the board of registration, as an appointing board, was *functus officio*. A failure on the part of the board of registration that was appointed in 1872 to appoint judges of election, would not have authorized the board appointed in 1873 to have appointed others. The law itself says how the judges of election shall be chosen in the event of failure of the board of registration to appoint at the time designated by law. It is as follows:

SEC. 7. If * * * the board of registration fails to appoint judges of election, or those appointed fail to act, * * * the voters when assembled may appoint the judges.

The law nowhere provides for the removal of a judge of election, but does provide how another shall be selected if he fails to act. It may be admitted that the persons making the registration in 1873 were all legally appointed; and what follows? Why, this: that they could not exercise other powers than belonged to the board of registration. Suppose there had been no change in the board, and that the registration made in 1873 had been made by the registrars appointed in 1872, would the board of registration have been empowered to appoint new judges of election? I answer, no, emphatically; for the law says, if the appointment is made by the board, that it must be made "before the general election," and if not done then, that the electors, when assembled at the polls, shall make the appointment.

Your fifth question is:

Was the legislature that convened at Little Rock on the 11th of May last a legal body?

You say that on the first Monday of January, 1873, the members of the legislature elected at the November election of 1872 met at the State-house and organized the general assembly of the State of Arkansas; that after each house perfected its organization, Hadley, the retiring governor, and Elisha Baxter, the incoming governor, sent messages to the same, as the "general assembly of the State of Arkansas," from the day of its organization down to the 25th day of April, 1873, at which time said general assembly adjourned *sine die;* that at the time of said adjournment there was no vacancy in the senate to be filled, and that there were no vacancies in the house; that during the session no vacancies were declared in either house, that was not filled during the session thereof; that but six members of the house and none of the members of the senate resigned between the day of adjournment, on the 24th of April, and the 4th of November, 1873, the day of election; that no writs

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of election have been issued, and no elections held to fill vacancies in the general assembly since the election in November last; that on the 22d day of April, 1874, Elisha Baxter issued his proclamation as governor, convening the legislature in extraordinary session on the 11th of May, 1874, and that at the time of issuing said proclamation a judgment of ouster had been entered against said Baxter, as governor, by the circuit court of Pulaski County, in a cause pending therein, wherein Joseph Brooks was plaintiff and Elisha Baxter defendant; that said judgment has neither been appealed from, by said Baxter, nor has it been superseded; that fifteen members of the house and four members of the senate that were elected in November of 1872, and that were in the general assembly, that adjourned on the 25th of April, 1873, met at a place other than the capitol building, (the usual place of meeting) and within the closed military lines of Elisha Baxter, where no man or member of the general assembly could enter without a pass from one of his military officers, on the 11th day of May, 1874, and that said fifteen members of the house and four members of the senate, there not being a quorum in either branch of the general assembly, instead of sending for the absent members and adjourning from day to day, as the constitution requires, admitted twenty-seven persons in the house and ten in the senate to fill vacancies that did not occur by death or resignation, "during a recess of the general assembly," and that had never been declared to exist by the general assembly, and that at the time the legislature was convened in extraordinary session by Elisha Baxter there was a quorum of each house in existence, about whose right to seats in the general assembly there was no question; that by the recognition of twenty-seven persons as members in the house, and by the recognition of ten persons as members in the senate, who were not entitled to seats, each house, on the 13th day of May, 1874, declared itself organized, and so notified Elisha Baxter.

The 13th section of Article V of the constitution is as follows:

A majority of the members of each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

Section 7 of the same article is as follows:

The members composing the senate shall be twenty-six, and of the house of representatives, eighty-two.

From this it will be seen that it takes fourteen to make a quorum in the senate, and forty-two in the house.

Chief-Justice Randall, in construing a provision of the constitution of Florida, that is a literal copy of the above, says, (12 Florida, 683:)

That by the constitution a smaller number than a majority of the whole number may only adjourn from day to day, and compel the attendance of absent members, and do not therefore constitute a duly organized senate capable of transacting any business whatever, save such as is mentioned in the constitution, and as may be incident thereto in the process of organization.

If I understand you correctly, there was a legal quorum of each house in existence at the time Elisha Baxter convened the legislature in extraordinary session, that had been regularly organized and officered.

If this be true, I am of opinion that less than a quorum of either house could not even authorize the swearing in of a new member. The power conferred upon a less number than a quorum of either house is, not to admit new members or pass upon their election, qualification, and return, but is to adjourn "from day to day," and compel the attendance of "absent members."

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The admission of "new members" certainly comes under the head of "transacting business." If it does, then there must be a quorum present, for the constitution declares that a majority of the members of each house shall constitute a quorum to "transact business." Suppose, for the sake of illustration, that the legislature of this State had adjourned to meet on the 11th of May, instead of being convened in extraordinary session, and that by some unforeseen accident, fifty republican members of the house failed to reach the capitol on the day fixed for the assembling of the legislature, or that armed sentries prevented them from participating in the exercise of their official duties, and that fifteen or twenty democrats in the house, (who were members,) in the absence of the other fifty members, should recognize fifty of their political friends as members of the house, and swear them in as such, and elect new officers and declare themselves "the house of representatives," would it be contended that a house thus organized was the true house of representatives? Why not? Would not your answer be that the fifteen or twenty democrats, although members of the house, did not constitute a quorum; that they were members of an organized house, and that less than a quorum could not pass upon the election-returns and qualification of "new members?"

Suppose, again, that during the sitting of the legislature a new member had been elected to fill a vacancy in the senate, and that for some reason there was not a quorum present on the morning a new member appeared and presented his certificate of election, would less than a quorum of the senate undertaken to have admitted him to a seat? I think not.

Cushing, in his Law and Practice of Legislative Assemblies, (sec. 817,) says: "A message from one house to the other cannot be received by the house to which it is sent, nor can an answer to a message be received by the house by which it is sent, unless a quorum is present." Is the receiving a message from the clerk of the house that a bill has passed that branch of the general assembly any less the "transaction of business" than the admitting, or passing upon the election, qualification, and return of a member? If one comes under the head of "transacting business," does not the other? A departure from the rule, that less than a quorum of a once legally-organized house may pass upon the election, return, and qualification of persons claiming seats, establishes a precedent whereby a minority party may change the political complexion of a branch of the general assembly, if at any time during the session there should happen to be less than a quorum present. If the legislature that assembled here on the 11th of May was organized, as you state, by a minority of the house admitting twenty-seven persons to seats to fill vacancies that had not been declared by a quorum of the house, and that did not occur by death or resignation between the 25th of April and the 4th day of November, 1873, and the senate was organized by less than a quorum by admitting ten persons to seats to fill vacancies that had not been declared by that body, and that did not occur from death or resignation between the 25th of April and the 4th day of November, 1873, I have no hesitation in saying it was not a legal body.

Your sixth question is:

Was the bill providing for a submission of the question to the people for a constitutional convention legally passed?

Just exactly what is meant by this question, I am not able to say, as it is susceptible of two constructions and two answers. It might be answered by saying, an illegal legislature could not pass a legal act; but what I suppose your question relates to is, that, admitting the same

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to have been a legal legislature, was the bill passed in accordance with the requirements of the constitution?

The people only seem to have reserved the right to themselves to "alter" or "reform" the constitution. The power to abolish, as is the case in some constitutions, has not been reserved. From your statement it appears that the bill providing for a constitutional convention was introduced, the rules suspended, and passed through both houses of the general assembly on the same day.

And it seems this was done at a time when the legislature was assembled at another place than the capitol building, the usual place of meeting, and at a time when members of the legislature were kept from participation therein by the armed sentries of Elisha Baxter.

The question whether a constitutional convention should be called for the purpose of abolishing the constitution, by a less vote than it would take to amend it, may well be doubted. An examination of Article XIII, regulating the mode of amending the constitution, requires that it shall take the votes of "a majority of all the members elected to each house to propose an amendment." It appears from what you say and from the journals of the senate that but twelve members thereof voted for the bill, six of whom were elected at the special election in 1873. Under the constitution it requires fourteen members of the senate to constitute a majority thereof, as it is composed of twenty-six members; ordinarily the fact that less than a majority of the whole number elected could not propose an amendment to the constitution, would raise the inference, if not an implication, that it could not be abolished by a less vote. It seems to me that the obvious intent of the thirteenth article of the constitution is, to inhibit the submission of an amendment to, or a change in, the same to be made unless "a majority of the members elected to each house" shall be of opinion that a necessity existed for a change in the organic act. Forty-two members in the house constitute a quorum, and fourteen in the senate. Twenty-two members of the house constitute a majority of a quorum, and eight members of the senate constitute a majority of a quorum in that body. Can it be true that twenty-two members of the house and eight of the senate are clothed with power to provide a means whereby the constitution may be abolished, when the same instrument requires the assent of forty-two members of the house, and fourteen members of the senate to assent to a proposition to amend the same, on two different occasions, before the people can vote thereon?

Your seventh question is:

Did the legislature, if a legal body, have power to pass a bill providing for a constitutional convention, and is it within the scope of legislation?

I have heretofore stated that the general rule in regard to the construction of a State constitution is that it is a limitation upon the powers of the legislative department, and a grant to the executive and judicial departments. But to all general rules there are exceptions. Ordinarily, in speaking of the power of the legislature, we say that it may do anything that it is not expressly prohibited from doing by the constitution, but this is not true. The true rule is that it may do anything it is not prohibited from doing by express inhibition or necessary implication. There is nothing in the constitution that, in direct terms, inhibits the legislature from creating a tribunal to pass on all judicial questions, or even reviewing the decisions of the supreme court, yet it is not clothed with this power. The reason why this is so is, that an implication arises out of the fact of the creation of a tribunal to determine judicial questions, that this same power was not to be exercised by an-

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other department, or in any other manner than that pointed out by the constitution. Where the constitution directs or points out how a thing is to be done, this pointing out amounts to an implication that it is not to be done in any other manner, and it amounts to an inhibition upon the legislature to pursue any other course to accomplish the same object or produce the same result.

In the case of the C. W. & Z. R. R. *vs.* Clinton County, (1 O. S., 84,) Judge Ranney says:

The authority of the general assembly is much too broadly stated, when it is claimed that all their acts must be regarded as valid which are not expressly inhibited by the constitution.

Continuing, he says:

A moment's attention to principles, which must be regarded as fundamental in all American systems of government, will demonstrate the unsoundness of such a conclusion. * * * Unlike the Constitution of the United States, and from the necessity of the case, no attempt at a specific enumeration of the items of legislative power is made in a State constitution. This must always be determined from the nature of the power exercised. If it is found to fall within the general terms of the grant, we can only look to the other parts of the constitution for limitations upon it; if none are there found, none exist. But as the general assembly, like other departments of the government, exercises delegated authority, it cannot be doubted that any act passed by it, not falling fairly within the scope of legislative power, is clearly as void as though expressly prohibited.

There is a vast difference between legislative power and political power.

Now and then you may find a loose, unguarded expression, where some persons of judicial attainments may have said that the legislature was the political department of the government; but it is a perversion of the meaning of words to make such a declaration.

I know of no instance where a legislature, except in one isolated instance, exercises political power; nor do I believe another can be pointed to. Its sole power is to legislate within the limits of the constitution.

Let us see if I am not borne out in the view I have stated.

Section one of Article X of the constitution is as follows:

The legislative power of this State shall be vested in a general assembly, which shall consist of a senate and house of representatives.

What is the meaning of the words "legislative power?" Bouvier defines it thus: "The authority under the constitution to make laws, and to alter or repeal them."

Having seen where the legislative power is lodged, let us see where the political power is.

The first section of the bill of rights declares that "All political power is inherent (not in the legislative, but) in the people."

Having shown, conclusively, that no power but legislative power is vested in the general assembly, and that all political power, by the terms of the constitution, is declared to be in the people, let us return and examine the constitution, and see, as Judge Ranney says, if the act alluded to comes within any limitation of the constitution, either express or implied. The first section of the bill of rights declares that "Government is instituted for the protection, security, and benefit of the people, and they have a right to alter or reform the same whenever the public good may require it."

The declaration is, that the right to "alter" or "reform" the government is a right that belongs to the people. Now, how is this alteration or reformation to be brought about? And have the people pointed out any method by which this is to be accomplished?

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Article XIII of the constitution reads as follows:

SECTION 1. Any amendment to this constitution may be proposed in either house of the general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journal, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the general assembly may provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the general assembly voting thereon, such amendment or amendments shall become a part of the constitution.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such a manner that the electors shall vote for or against each of said amendments.

This is the mode pointed out by the people by which the constitution was to be "altered" or "reformed." In pointing out that mode, the members of the legislature are made instruments to execute the will of the people in altering or reforming the government. Now the question arises, does this fact, of itself, raise the implication that the constitution was not to be changed in any other manner? I think it does. In the case of Page *vs.* Allen, (58 Pa., 338,) it was held that "the expression of one thing in the constitution is the exclusion of things not expressed."

Tested by this rule, the expression of how a constitution may be changed excludes the idea that it may be done in another and different manner than the mode therein specified. (Cronise *vs.* Cronise, 54 Pa., 255; Twitchell *vs.* Blodget, 13 Mich., 127.)

In the case of People *vs.* Field, (2 Scam., 79,) the supreme court of Illinois said: "Where the means of a granted power are given, no other or different means or powers can be implied on account of convenience or of being more effectual."

That the constitution points out how the members of the legislature must proceed in the event a change is desired in the fundamental law cannot be denied. This being true, the rule laid down in the case of The People *vs.* Field would place the act calling a constitutional convention outside of the scope of the legislative power.

Vattell says, (p. 11:)

It is asked whether the legislative power extends to the fundamental laws; whether they may change the constitution of the State?

In response to this question, he says:

The principles we have laid down lead us to decide, with certainty, that the authority of these legislators does not extend so far, and they ought to consider the fundamental law as sacred, if the nation has not in express terms given them power to change it; for the constitution of the State ought to possess stability, and since that was first established by the nation, which afterward intrusted certain persons with the legislative power, the fundamental law is excepted from their commission.

It is visible that the society only intended to make provision for having the State constantly furnished with laws suited to particular conjunctures, and, for that purpose, gave the legislature the power of abrogating the ancient, civil, and political laws that were not fundamental, and of making new ones.

Here we have it asserted that the legislative department cannot change the constitution, unless the power is conferred. In the present instance the power is conferred, and that brings us back to the proposition that we started with, that if a power be conferred, and the manner of exercising it is pointed out specifically, whether or not that pointing out does not amount to an inhibition on the legislature to pursue any other?

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But it is urged that the people in their sovereign power may do anything. If this be true, no act of the legislature was needed; if it is not true, an act of the legislature, not within the scope of the legislative power, has not conferred any right on the people. There is quite a delusion in the minds of many apparently well-informed people, that the sovereignty of the State resides with and remains in the people in a constitutional government. This, however, is not true. In the case of *Price vs.* Foster, (4 Haw., 48,) the supreme court of Delaware said:

The legislative, executive, and judicial powers compose the sovereign power of a State. The sovereign power, therefore, of this State resides with the legislative, executive, and judicial departments. Having thus transferred the sovereign power, the people cannot assume any portion of it. To do so would be an infraction of the constitution and a dissolution of the government. Nor can they interfere with the exercise of any part of the sovereign power, except by petition, remonstrance, and address. They have the power to change or alter the constitution, but this can be done only in the mode prescribed by the instrument itself. The attempt to do so in any other mode is revolutionary. * * *

Neither the legislative, executive, nor judicial departments, separately, nor all combined, can devolve on the people the exercise of any part of the sovereign power. The assumption of power to do so would be usurpation. The department arrogating it would elevate itself above the constitution, overturn the foundation on which its own authority rests, demolish the whole frame and texture of our republican form of government, and prostrate everything to the worst species of tyranny and despotism or the ever-varying will of an irresponsible multitude. * * * The powers of government are trusts of high importance, and in no case whatever can they be transferred or delegated to any other body of persons, not even to the whole people of the State.

I think the citations thus far made must convince you of three things: First, that only legislative power is vested in the general assembly; second, that the political power of the government is in the people; and, third, that the sovereign power of the State is vested in the departments of government.

I assert that the power, or rather the act, of changing, altering, or reforming a State constitution, is purely a political act. If it is, it is one the people may exercise of their own volition, and without the aid of an enabling act; or, it must be exercised in the manner prescribed at the time the organic act was framed.

That the people of their own volition cannot alter or reform a constitution was ostensibly decided in the Rhode Island case. I am aware that in some States a change of constitution has been effected in a manner other than that prescribed by the constitution itself. That this has done does not disprove the correctness of my position. It nevertheless was revolution, and the act of revolution is never indicative of what the law is.

Aside from all this such precedents are wholly without weight as legal precedents, for the right to make the change has never been contested by any of the States, save Rhode Island.

The constitution of the State of Massachusetts contained a provision for its amendment in every respect similar to that of this State, and the house of representatives of that State submitted the following question to its supreme court:

Whether, if the legislature should submit to the people to vote upon the expediency of having a convention of delegates of the people, for the purpose of revising or altering the constitution of the commonwealth, in any specified part of the same, and a majority of the people voting thereon should decide in favor thereof, could such convention holden in pursuance thereof act upon and propose to the people amendments to other parts of the constitution not specified?

Now mark the answer:

Considering that the constitution has vested no authority in the legislature, in its ordinary action, to provide by law for submitting to the people the expediency of call-

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ing a convention of delegates for the purpose of revising or altering the constitution, it is difficult to give an opinion what would be the power of such convention if called. (6 Cush., 673.)

The point to which I desire to direct your attention in this answer is, that Judge Shaw plainly and distinctly asserts that, in its ordinary action, (legislation,) the legislature is not vested with authority to submit such a question to the people. The constitution of this State has vested no authority in the legislature to submit such a question to the people of this State, unless the power belongs to it under the scope of ordinary legislative power; and this the supreme court of Massachusetts has distinctly and emphatically asserted it did not. The house of representatives of Massachusetts also submitted another question to the supreme court of that State, which it answered, that I regard as conclusively settling the question, so far as the law of the case is concerned. The question was, "whether the constitution of Massachusetts could be amended, altered, or changed in any other manner than that pointed out by the constitution itself?"

In reply to this, the court said:

Considering that previous to 1820 no mode was provided by the constitution for its amendment; that no other power for that purpose than in the mode alluded to is anywhere given in the constitution, by implication or otherwise, and that the mode provided thereby appears to have been carefully considered, and the power of altering the constitution cautiously restrained and guarded, we think a strong implication arises against the existence of any other power under the constitution for the same purpose.

The constitution of Arkansas, like that of Massachusetts, upon its face shows that the mode of altering or reforming the same was carefully considered, and cautiously restrained, and if a strong implication arises in the one case it arises in the other. The Massachusetts case is the only instance I have come across where a judicial tribunal has construed the powers of a legislature under a constitution almost identical with our own.

I could cite the expressions of other judges, and courts of ability, all going to prove and sustain the law as stated by the supreme court of Massachusetts; but, if what the supreme courts of Delaware and that of Massachusetts have said are not conclusive, and the revolutionary action of what has been done, in other States, without warrant or authority of law, and in defiance thereof, are to be regarded as precedents of right instead of power, the decisions of the supreme courts of every State in the Union would not satisfy or convince the judgment of those who point to successful revolutions to evidence what the law is.

Your eighth question is:

Can the constitution of 1868 be abolished or annulled by the adoption of the proposed new constitution, framed and submitted in the manner stated, even if a majority should be declared in favor of it?

The first portion of this question is sufficiently answered in the response to your seventh. I have already stated that the legislature had no power to call, or to provide by law for calling, a constitutional convention, and that the constitution cannot be altered, amended, or abolished, except in the mode prescribed by the constitution itself.

The proposed new constitution is in no sense the work of the people of Arkansas. The people, that is, the law-abiding people, when they adopted the constitution of 1868, entered into a solemn compact that it should not be changed, altered, or reformed, except in the manner therein designated, and from this there is no escape without a total disregard of its provisions.

If the legislature had no power to submit the question to the people, then it must be apparent to all that an act of the legislature, which, in

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has been shown, it had no right to pass, could not absolve the people from a compliance with a plain provision of the constitution. The whole question turns on the power of the legislature to pass the act, submitting the question of calling a convention to make a constitution. If the legislature had the power, then the preliminary steps must be presumed to have the sanction of both law and authority; but if the power be denied, the mere fact that a majority may have expressed themselves in favor of lawlessness and revolution, or expressed a disposition to trample upon and disregard the provisions of the organic law, does not throw the sanction of law around acts that are and were void for want of authority from the beginning.

In the case of Commonwealth *vs.* Baxter, (35 Pa., 265,) Chief-Justice Lowrie says:

> Law means the settled customs and institutions of a people, and if these do not exist there is no law, and courts, if there be any, must be mere arbitrary powers. Law will have lost one of the essential elements when the mere will of the people shall prevail over the settled principles of their social life. Even a people, therefore, must conform to their own institutions, if they are to have any government.

In speaking of the force and effect of majorities, expressed at a time and in a manner not sanctioned by law, the learned chief-justice says:

> Majorities go for nothing at an irregular election; we cannot regard them even as majorities, for it is the right of orderly citizens to stay away from such elections.

In my opinion the election to vote upon the adoption or rejection of the constitution is an "irregular election." If I am correct in this, the vote, no matter what the majority may be, cannot legalize anything.

The law and not majorities fixes the time and place of holding an election, as well as the thing or things to be voted for, and if it should turn out that what was supposed to have been a law, was void for want of authority, everything had and done thereunder would fall to the ground.

Your ninth question is:

> What effect did the marking of ballots have, if any, on the election to determine whether a constitutional convention should be called, and upon the election of delegates, under the peculiar provisions of our constitution?

In construing the constitution of a State, the object ought to be to ascertain the intent, not only of the framers, but of the people, when it was adopted.

Intent may as often be inferred and discovered, by examining the amendments made from time to time, as from any other source. The constitutional convention of 1868 passed an ordinance and appended it to the constitution, the fourth section of which is as follows:

> The secrecy of the ballot shall be preserved inviolate. No judge, inspector, or other election-officer shall mark or deface, or permit to be marked or defaced, any ballot cast (at an election) at which he is acting, whereby may be ascertained the manner in which any elector voted.

This section, I say, was appended to the constitution of 1868, but is found in an ordinance of the convention. Many persons doubted whether this section of an ordinance was of the same force and effect as a provision of the constitution. Under the constitution of 1836, and that of 1864, elections were not necessarily by ballot, but *viva voce.* The eighth section of article VI of the constitution of 1836 is as follows:

> All general elections shall be *viva voce*, until otherwise directed by law.

This same provision was incorporated in the constitution of 1864, *verbatim et literatim.* In 1846, (Gould's Digest, p. 470,) the legislature, under the power conferred by the constitution, changed the mode of

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voting from that of *viva voce* to that of ballot. The section alluded to is as follows:

SEC. 36. The mode of voting at all general and other elections authorized by the constitution and laws of this State shall be by ballot.

The forty-sixth section of the election-law is as follows:

It shall be the duty of the clerks of all elections to register the names of each and all electors in the order in which they may present their ticket, placing opposite each name its appropriate number, and indorse on the ticket of such elector the corresponding number.

Ordinarily the word "ballot" implies secrecy, but it may well be doubted whether, under the constitution of 1836 and the law passed thereunder, it did.

The fact that voting, prior to the act of 1846, was *viva voce*, discloses the fact that it was not against public policy to know how every man voted, and it may further be doubted whether the legislature, under the circumstances stated, was bound to attach any secrecy to the ballot. I think it was wholly within the discretion of the legislature at that time to determine whether the ballot should be clothed with secrecy or whether it should not.

But be this as it may, its determination is not necessary to a solution of the question asked.

I have mentioned these facts to show the manner of voting prior to 1868, and the ordinance of the convention to show an intention to depart from the system then in vogue. The declaration that the secrecy of the ballot should be preserved inviolate, and that no judge, inspector, or other election-officer should mark or deface, or permit to be marked or defaced, any ballot cast at which he is acting, whereby may be ascertained the manner in which any elector voted, discloses unmistakably an intent that a ballot should not be marked or defaced in a manner that would enable the judges of election, or any other person, to ascertain how an elector voted. I have said there were some doubts as to whether the ordinance referred to had the force and effect of a constitutional provision.

In an amendment made to the constitution, that was ratified in March of 1873, the following provision is found:

SEC. 3, ART. 8. In all elections by the people, the electors shall vote by ballot. The secrecy of the ballot shall be preserved inviolate, and the general assembly shall provide suitable laws for that purpose.

If, after declaring that all elections should be by "ballot," the framers of the constitution had stopped, in view of the doubt cast on the ordinance, and the custom prevailing anterior to 1868, it might with some degree of plausibility be contended that the ballot referred to was the ballot in use before that time; but the words, "the secrecy of the ballot shall be preserved inviolate," following the the word "ballot," in the preceding sentence, shows beyond all question that the veil of secrecy should never be removed therefrom for any purpose.

You have called my attention specifically to the following section of the act providing for a convention to frame a new constitution:

SEC. 11. As the electors present themselves at the polls to vote, the judges shall pass upon their qualifications, whereupon the clerks of election shall register their names on the poll-books, if qualified, and such registration by said clerks shall be a sufficient registration in conformity to the constitution of this State, and then their votes shall be taken: *Provided*, No person shall vote outside or elsewhere than in the township, ward, or precinct in which he resides. The electors shall be numbered and the number of each elector marked on his ballot, by one of the judges, when deposited.

The question now arises, does the marking of a ballot deprive it of

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the sanctity of secrecy thrown around it by the constitution; and, if so, what is the result?

Chief-Justice Denio, in the case of People *vs.* Pease, (27 N. Y., 45,) uses the following language:

I have already alluded to the policy of the law providing for a secret ballot. The right to vote in this manner has usually been considered an important and valuable safeguard of the independence of the humble citizen against the influence which wealth and station may be supposed to exercise. This object would be accomplished but very imperfectly if the privacy supposed to be secured was limited to the moment of depositing the ballot. The spirit of the system requires that the elector should be secured then, and at all times thereafter, against reproach or animadversion, or any other prejudice on account of having voted according to his own unbiased judgment; and that security is made to consist in shutting up within the privacy of his own mind all knowledge of the manner in which he has bestowed his suffrage.

Judge Cooley, in his work on Constitutional Limitation, (——) says:

The mode of voting in this country at all general elections is almost universally by ballot. The distinguishing feature of this mode of voting is, that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy in regard to the person for whom he votes, and thus escapes the influences which, under the system of oral suffrages, may be brought to bear upon him, with a view to overbear and intimidate, and thus prevent the real expression of public sentiment.

I have quoted these authorities for the purpose of showing the object of the secret ballot, and the importance it is to the citizen at a time when partisan prejudice may be running at high tide. There are many instances where the law was silent as to whether the ballot was to be secret, or not, where the courts have decided that an elector could not be compelled to disclose how or for whom he voted. (People *vs.* Pease, 27 N. Y., 81; People *vs.* Cicott, 16 Mich., 283.)

The thirteenth section of the constitution of the State of Indiana (art. 2) is as follows:

All elections by the people shall be by ballot.

Here, it will be seen, the kind of ballot, whether secret or otherwise, is not stated, as it is in the constitution of this State.

Under the constitution of Indiana, the legislature passed an election-law, and among its provisions is this section:

It shall be the duty of the inspector of any election held in this State, on receiving the ballot of any voter, to have the same numbered with figures on the outside or back thereof, to correspond with the number placed opposite the name of each voter on the poll-lists kept by the clerks of said election.

It will be seen that this section is substantially the same as that passed at the extraordinary session of the general assembly in May last, and which is in the act providing for a submission of the question to the people of the expediency of calling a constitutional convention. At an election held in that State in October of 1870, Williams demanded of Stein, the inspector of election, that his ballot should not be numbered as directed by statute. Stein received the ballot and numbered it as he did all others. Thereupon Williams brought suit against Stein for "being damaged in his constitutional privileges and franchises." The question thus presented (a demurrer being filed) involved the constitutionality of the act. The demurrer was overruled, exception taken, and Stein refusing to answer over, the cause was submitted to the court for trial. Judgment was rendered for the plaintiff, and the cause was appealed to the supreme court of the State. The only error assigned was the overruling of the demurrer. In disposing of the case as thus presented, the court said, (38 Ind., 89:)

I am not unmindful of the rule that all doubts are to be solved in favor of the constitutionality of legislative enactments. This rule is well established, and is founded in the highest wisdom. But my convictions are clear that our constitution

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was intended to, and does, secure the absolute secrecy of the ballot, and that the act in question, which directs the numbering of tickets to correspond with the numbers opposite the names of the electors on the poll-lists, is in palpable conflict, not only with the spirit, but with the substance of the constitutional provision. This act was intended to, and does, clearly identify every man's ticket, and renders it easy to ascertain exactly how any particular person voted.

That secrecy which is esteemed by all authority to be essential to the free exercise of suffrage is, as much violated by this law as if it had declared that the election should be *viva voce*. If the constitution secures to the voter in popular elections the protection and immunity of secrecy, there can be no doubt that section two of the act of 1869, which authorized the inspector to number ballots, is in conflict with it, and void.

I do not deem it necessary to comment on this decision. It seems to have been made to answer just such a question as you have asked. Tested by the rule laid down in the case of Williams *vs.* Stein, the eleventh section of the act, providing for a constitutional convention, is void. But it may be said that the decision in the case of Williams *vs.* Stein does not prove or establish the fact that the election held was a nullity, or that it was void. It is true the court did not decide that the persons voted for at that election were not entitled to their offices. This question was not before the court. But it did decide that a law requiring ballots to be numbered was unconstitutional. This brings us to a consideration of the question whether an election held under an unconstitutional law confers the same power it would if the act were valid, and whether the parties damnified thereby have to submit to the exercise of power delegated to third persons in violation of all law, and whether the elector in such case is remitted to a personal action against those who executed the law for an invasion of his constitutional privileges and franchises.

The mere statement of the proposition eliminates its absurdity. In the case of The People *vs.* Church, (6 Cal., 78,) the supreme court of California held that an election held at a time not authorized by law was void. Ordinarily, one would think there could be little difference between an election held at a time not authorized by law, and one that was not held in the manner provided by law. Judge Crocker, in the case of Satterlee *vs.* San Francisco, (23 Cal., 320,) says:

The validity of an election does not depend on the eligibility of the candidates, for if it did, it might be contended that an election would be invalid because an unsuccessful candidate was disqualified to hold the office voted for. The validity of an election depends upon its being held and conducted at the proper time and place, in the manner, and by the persons and officers as required by law.

The manner of holding elections is fixed by the constitution, and it says, first, it shall be by ballot, and, second, that the secrecy of that ballot shall be preserved inviolate.

Is an election held with any other ballot than the one prescribed by the constitution a legal election? Is an election held under a law where it may be ascertained by reference to the tickets and the poll-books just how every man voted, such an election or such a ballot as the constitution contemplates?

In the case of McKune *vs.* Weller, (11 Cal., 49,) the supreme court of California said:

All the efficacy given to the act of casting a ballot is derived from the law-making power, and through legislative enactment.

If it be true that a ballot receives its efficacy from the "law-making power," does it not necessarily follow that an exercise thereof in violation of the fundamental law cannot give it efficacy? The power to hold the constitutional convention is founded on the vote cast at the election. If the vote cast, and the ballot used, was one that the constitution inhibited, then there was no election, for an election can only be held with the ballot the constitution provides.

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What the supreme court of Indiana would have decided on *quo warranto* as to what rights, if any, were conferred by a marked ballot at the election held in that State under the law the court declared was unconstitutional, can only be a matter of conjecture; but as to what other courts have decided under a similar state of facts is well known. The question in the case of the Commonwealth *vs.* Woelper, (3 Serg. & Rawle, 29,) was whether a ballot, used at an election, that had a design thereon, by which it might be ascertained how certain persons voted, should be counted.

Chief-Justice Tilghman, in disposing of the case, says:

The tickets in favor of those persons who succeeded in the election had on them the engraving of an eagle.

The judge who tried the cause charged the jury that those tickets ought not to have been counted. * * *

This engraving might have several ill effects. In the first place, it might be perceived by the inspectors, even when the ticket was folded. This knowledge might possibly influence him in receiving or rejecting the vote. But, in the next place, it deprived those persons who did not vote the German tickets of that secrecy which the election by ballot was intended to secure.

The ballot used in the case just cited had an eagle on it. The by-law governing the election said that if, besides the names, there are other things on the ticket, it shall not be counted. The court held that the placing a picture of an eagle on the ballot invalidated the ticket; first, because the ballot was not such a ticket as the law required, and, second, because it had a tendency to destroy the secrecy which election by ballot was intended to secure. This being true the court would not allow the ballots thus marked to be counted.

Apply the law as laid down in this case to the matter now before us, and what is the result?

It is that neither office nor power can be conferred by an illegal ballot.

The marking the ballots destroyed the secrecy which the constitution guarantees. When that was destroyed the efficacy of the ballot was gone.

The question of what effect should be given to a vote that was taken in a manner at variance with the law, arose in the case of Saint Joe & Denver City Railroad *vs.* Buchanan Co., (39 Mo., 488.)

There was a law authorizing the county court to make subscriptions to railroad enterprises, if a majority of the taxable inhabitants of the county voted therefor.

Before the vote was taken, the State of Missouri adopted a new constitution, and continued "all statute laws now in force not inconsistent with the constitution, until they expire by their own limitation, or be amended or repealed by the general assembly." One of the provisions of the constitution was that "no county should loan its credit or become a stockholder in any company or corporation, unless two-thirds of the qualified electors, at a regular or special election, should assent thereto.

In disposing of the case Judge Wagner said:

The act of the general assembly, providing for taking the vote of the people of Buchanan County, and confining it to a majority of the taxable inhabitants, is repugnant to the constitution. * * * The constitution imposes no such restrictions, but opens the ballot to all who are qualified voters.

A two-thirds vote was received in favor of the proposition, at the election; but how many were disqualified, by reason of the restriction to taxable inhabitants, does not appear. The effort evidently was to conform to the constitutional requirements as to the qualification of voters, and also to carry out the act of the legislature by restricting the

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vote to those who are taxable inhabitants, or, in other words, to ingraft the constitutional provision upon the enactment as an amendment.

We think this could not be done. Laws, therefore, which are inoperative, on account of repugnancy to or inconsistency with the constitution, must be legislatively amended before they are capable of execution.

That the law providing for numbering the ballot, thereby destroying the secrecy thereof, is repugnant to and inconsistent with the constitution, I think has been clearly shown, and if it be true that all such laws must be amended before they are "capable of execution," it follows that before the people of this State can have a constitutional convention composed of delegates selected at an election by ballot, they must be selected under the provisions of an act that is not repugnant to the fundamental law.

Your tenth question is:

Can a constitutional convention, by ordinance, abolish the office of lieutenant-governor, it being an office created by the constitution of this State, while the constitution of 1868 is yet in force?

The powers of a convention of the people are not often the subject of judicial determination. Indeed, I know of but two instances where the courts have adjudicated the question. A convention of the people was called in South Carolina for a specific purpose, to wit, that of nullifying certain acts of Congress. Among other things, the convention passed an ordinance empowering the general assembly "to provide for the administration of an oath to the citizens and officers of the State," &c.

The legislature, under the power conferred by the ordinance of the convention, passed an act requiring, in addition to the oath prescribed by the constitution of the State, that the person named would be "faithful and bear true allegiance to the State of South Carolina."

McCready having been appointed to an office in the militia, took the oath prescribed by the constitution and demanded his commission. This was refused him unless he would take the additional oath.

Thereupon he applied for a mandamus against the person holding his commission to compel its delivery.

The ordinance to which you call my attention, like the ordinance in South Carolina, was not submitted to the people.

Judge O'Neal, in commenting on the power of a convention of the people, says, (State *vs.* Hunt, 2 Hill, S. C., 322:)

In one point of view a convention may be illimitable. It is, however, then a revolutionary and not a constitutional convention. I do not understand that this revolutionary character is claimed for the convention which ordained the ordinance now under consideration. * * It is true the legislature cannot limit the convention, but if the people elect for the purpose of doing a specific act or duty pointed out by the act of the legislature, the act could define their powers. For the people elect with reference to that and nothing else. A convention assembled under the constitution is only the people for the purpose for which it assembles, and if they exceed those purposes their act is void, unless it is submitted to the people and affirmed by them.

Judge Thompson, in the same case, says:

In the appointment of delegates to that convention the people acted on the faith that they were to be charged with those duties, (those named in the act,) and no other, and the assumption of any other powers than those necessary to the attainment of the objects in view would have been a violation of trust reposed in them, and a usurpation of the rights of the people. The idea is that the convention is possessed of all the power of the people, and might rightfully exercise it in relation to all subjects, and in any manner they might think fit. Can it be supposed that the good people of this State thought that in the appointment of delegates to that convention they were conferring on them the authority to transfer their allegiance to the Grand Turk or the Emperor of Russia. * * * The foundations upon which all our institutions are built is that the will of the people is supreme, nor will it be questioned that it is equally im-

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perative when expressed through agents regularly constituted by them for that purpose. But surely when any body of men, however august, take upon themselves to act in the name of the people, an individual who supposes his rights invaded may be permitted, respectfully, to ask for their authority, and to that request the courts, the organs appointed by the constitution to administer justice, are bound to respond. If an unauthorized assembly should take upon itself to send forth an edict, in the name of the people, commanding obedience to its dictates, would that be binding on the citizens? Certainly not. And in what does this differ from the act of a regularly constituted body who assume powers not delegated by the people?

The supreme court of Pennsylvania in December last had a question before it involving the powers of a constitutional convention, and its holding seems from the syllabus to be in accord with the holding of the supreme court of South Carolina. I understand the supreme court of Pennsylvania to have decided:

1st. "That the constitutional convention was the offspring of law, which law was the only form in which the legislature (the body invested with the powers of government) could act, and thereby its own consent be given and revolution avoided."

It is well enough to remark here that the constitution of Pennsylvania authorizes the legislature to submit the question of convention, or no convention, to the people, which is not the case in Arkansas.

2d. "The law being the instrument of delegation, the act of assembly, or warrant to the delegates from the people, was the only chart of their powers."

3d. "The delegates possess no inherent power, and when convened by law, at the time and place fixed in it, sit and act under it as their letter of attorney from the people themselves."

4th. "The act of assembly of April 11, 1872, which provided for calling a convention to amend the constitution, gave the convention no power to frame the ordinance in question, which is therefore illegal and void."

I have not been able to lay my hands on the opinion delivered by the court, but it is reported as having been unanimous. Both of these courts seem to have decided that a constitutional convention cannot go beyond the scope of the act of the legislature.

If this be the true rule of construction, and I apprehend it is, then we must judge of the powers of the convention by the act making the grant. The first section of the act is as follows:

That a convention of the people of the State is called to assemble at Little Rock, the capital of the State, on Tuesday, the 14th of July, 1874, for the purpose of framing a new constitution and providing for the putting the same in effect.

This grant of power is not wide enough to authorize the convention to abolish an office created by the constitution. The power granted is to frame and put "into effect" a constitution.

If the convention had the power to abolish the office of lieutenant-governor, it had the power to abolish all the offices of State, not only of the executive, but of the judicial department. The people never intended to confer such power, and have not.

Therefore I have no hesitation in saying the ordinance abolishing the office of lieutenant-governor is an absolute nullity.

Your eleventh question is:

If Elisha Baxter should voluntarily surrender the office of governor to some person claiming to be elected, under the provisions of the new constitution, and by abdicating the office of governor, should refuse and neglect to discharge the duties of the office of governor for the term for which he was elected, would I, as lieutenant-governor, be authorized to discharge the duties of the unexpired term, and in the event the President, or other proper authority should disperse the government established by the new constitution, and restore those who were deposed, by the connivance and treachery of Elisha Baxter, would said Baxter, after having abdicated the office of governor, have a right to assume the same?

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The right of the lieutenant-governor to act as governor is one that is contingent upon the happening of certain events. (Section 10, article VI Con.)

1st. In case of the impeachment of the governor.
2d. In case of removal from office.
3d. In case of death.
4th. In case of resignation.
5th. In case of inability, and
6th. In case of removal from the State.

The constitution does not seem to have provided for a contingency like the present, unless a refusal or neglect to act amounts, in law, to a resignation.

Judge Cowan, in the case of Van Arsdale *vs.* Hazard, 3 Hill, 248, says:

Where no particular mode of resignation is prescribed by law, it may be by parol, as by the incumbent declaring, to the appointing power, that he resigns or will continue to serve no longer.

In this State there is no law fixing how or to whom a resignation of the governor should be addressed or by whom it should be accepted.

Chief-Justice Marshal, in the case of Page *vs.* Hardin, (8 B. Mon., 667,) says:

An office may be forfeited by non-user, or by official misconduct, or misbehavior. A partial neglect to perform certain duties of an office may amount to misbehavior, and as such be a cause of forfeiture. And if abandonment may be inferred conclusively from non-user or neglect of duties so as to amount to an absolute vacation without express renunciation of the office once lawfully held, it can only be when the non-user or neglect is not only total or complete but of such continuance or under such circumstances, so clearly indicating absolute relinquishment, as to preclude all future question about the facts. But we do not find that abandonment is one of the regular and recognized modes of vacating an office, or that it has acquired, either by legal or common usage, any defined signification in reference to that subject. We understand, however, the intentional or voluntary relinquishment of the particular object to be essentially involved in the abandonment of that object, and that an office cannot be abandoned without the intention, actual or imputed, of abandoning it.

In the case of the State *vs.* Allen, (21 Ind., 521,) Judge Perkins says:

An office may be vacated by abandonment, which is a constructive resignation. An office may be resigned by parol, and of course acts may speak that resignation.

In the case of the People *vs.* Wells, (2 Cal., 204,) Chief-Justice Murray says:

Vacancy is a fact, the existence of which, like that of any other fact, is susceptible of being ascertained. Vacancy in an office can only be said to exist when the office, or place, has no legal incumbent to discharge the duties of the office.

The doctrines announced in these decisions establish these facts:

1. That no particular mode of resignation is necessary.
2. That it may be inferred by abandonment.
3. That abandonment is equivalent to a parol resignation.
4. That vacancy in office exists when the office has no legal incumbent to discharge the duties of the office; and
5. That the fact of vacancy or abandonment is a thing susceptible of being ascertained like any other fact.

If Elisha Baxter should quietly and peaceably quit the executive office with the intent or for the purpose of allowing A. H. Garland or any other person than yourself to assume to discharge the duties thereof, I am of opinion that such an act would be an abandonment of the same, that would, in law, be construed into a "constructive resignation."

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The office of governor of this State is for the term of four years. If the person chosen as governor refuses to discharge the duties thereof, it is his privilege; but here his authority ends. He cannot turn the same over to whom he pleases, for the constitution fixes the line of descent, and who shall discharge the duties when the governor is out of the way.

I believe it to be your duty to take charge of the executive office of the State, if Elisha Baxter abandons the same, and assert and maintain the authority thereof, not only as against A. H. Garland, but as against any other person who may claim to exercise authority under the so-called new constitution.

Your duty is not confined to republicans alone. It is a duty that you owe to the loyal and law-abiding people of Arkansas, irrespective of political differences, to assert and maintain the constitution of 1868 until it has been amended or displaced in a manner known to the constitution and laws of the State.

A faithful observance of your oath of office, and your duty to the people of Arkansas, who have intrusted you with the position you hold, imperatively demand that you do not become a party to any treachery of Elisha Baxter. If any other person than Elisha Baxter attempts to exercise the duties of the office of governor during your term of office, it is not your privilege, but your duty, to discharge the duties imposed on you by the constitution. If your authority is denied, and domestic violence exists to such an extent as to prevent you from a discharge of the duties, you should apply to the President, under the fourth section of Article IV of the Constitution of the United States, for aid, and I have no doubt but it will be furnished. The claim would be between two conflicting sovereign powers, one of which has been recognized, and one that has not. Whether the new government is the lawful successor to the old is a question that President Tyler said was not within the province of the Chief Executive of the United States to decide. When Dorr attempted to revolutionize Rhode Island, and set up a new government within the jurisdiction of the old, President Tyler said:

* * * * The Executive could not look into real or supposed defects of the existing government, in order to ascertain whether some other plan of government proposed for adoption was better suited to the wants, and more in accordance with the wishes of any portion of her citizens. To throw the Executive of the Government into any such controversy would be to make the President the armed arbitrator between the people of the different States and their constituted authorities, and might lead to an usurped power, dangerous alike to the stability of the State government and the liberties of the people. It will be my duty, on the contrary, to respect the requisitions of that government which has been recognized as the existing government of the State through all past time, until I shall be advised, in a regular manner, that it has been altered and abolished, and another substituted in its place, by legal and peaceable proceedings, adopted and pursued by the authorities and people of the State.

If the necessity should arise you ought to be able to show, when you make an application to the President, that the office of governor has been abandoned by Elisha Baxter, and with an intent to allow it to be usurped by a revolutionist. If this fact be established by clear and indisputable proof, Elisha Baxter could not claim the office after having abandoned it, any more than he could if he had resigned it.

I regret that other duties have so occupied my time that I could not give your questions the thought and consideration their importance demands, but I am satisfied that the law of the case is correctly stated. But in justice to myself I would have been better pleased if I had been given time to have cited more authority, and to have elaborated some points that have not been presented in their strongest light.

T. D. W. YONLEY.

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RICHMOND, *November* 14, 1874.

ATTORNEY-GENERAL:

I have just read V. V. Smith's telegram to the President setting forth the ground of his claim to the office of governor in Arkansas, published in the Star, followed with a statement that the President had referred the same to the Attorney-General, accompanied with the further statement that several parties from Arkansas have to-day visited the President and Attorney-General in connection with this matter. It is stated again that the secretary of state and the attorney-general of the State of Arkansas and other State officers are acting with Lieutenant-Governor Smith, &c. Now, I beg to say that we are retained by Governor Garland, the governor-elect, to represent him in the premises, and I do hope nothing will be done to his prejudice till he can be heard in the matter. We deny, *in toto*, that Mr. Smith has any claim whatever to the office in question, and soon after my return we will present our side of the question if it should be thought desirable. I shall get back toward the last of next week. We have not got through with the testimony in behalf of the Government. It does not develop so strong a case as I had been led to suppose; can form no opinion yet of the probable result. One other thing: Colonel Root, deputy marshal of Iowa, has, as I am informed by him, some suspended bills which he wishes me to make some explanations about. Will you be pleased to suspend any action thereon till I may have an opportunity, after my return, to look into them?

Most respectfully,

LOWE & ARCHER.

[Telegram.]

LITTLE ROCK, *November* 16, 1874.

His Excellency U. S. GRANT,
President of the United States, Washington, D. C.:

The State government is as completely overthrown by the connivance of Elisha Baxter as that of Louisiana was by Penn's militia. It is true that the revolution by which it was accomplished was bloodless, but it is just as effectually done as though it had cost a thousand lives. Baxter himself used the office of governor to organize the present revolutionary government. It was perfected in all its departments, civil and military, before he abdicated the office and turned the same over to Garland. So long as Baxter occupied the office I could not assume to discharge its duties. When he ceased to act as governor he yielded the office to a person who was the head of new government, which is backed by a well-armed and the thoroughly-organized militia. In the face of such overwhelming advantages on the part of the Garland government, it would be worse than madness for me to undertake to re-establish the overthrown government by force of arms. Had I been able to do this I should not have called on you for aid. It is because I am powerless that I appeal to you. Any attempt on my part to re-establish the government under the constitution of 1868, without your recognition or during the pendency of the application now before you, would result in embroiling the citizens of the State in a sanguinary conflict. Before the life of any citizen of the State is sacrificed, I desire to know from you, who are the arbiter between Garland and myself, whether I will be regarded as the executive of a lawful govern

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ment, or as being guilty of treason against it. If you have no authority under the Constitution and laws to restore a government to its lawful officers, from whom it has been wrested by revolution and treachery, instead of by actual conflict of arms and bloodshed, it is a sad commentary upon the legislation of the country.

V. V. SMITH, *Governor.*

LOWE & ARCHER, ATTORNEYS AT LAW,
Washington, D. C., November 17, 1874.

SIR: In the absence of General Lowe, I beg to lay before you the inclosed copy of a telegram received last night from Governor Garland of Arkansas.

This dispatch is in response to one we sent requesting Governor Garland to give us a statement of facts as they really exist.

Very respectfully, your obedient servant,

J. B. ARCHER,
Of Lowe & Archer.

Hon. GEO. H. WILLIAMS,
Attorney-General.

LITTLE ROCK, ARK., *November* 16, 1874.

Messrs. LOWE & ARCHER, *Washington, D. C.:*

Sent you to-day all papers for my case. All is peace and quiet here—perfectly so. I will have no collision unless forced on me by resisting process of the law, or attacking me. I cannot find Smith and his secretary to arrest them with warrants, and no one knows where they are.

GARLAND.

[Telegram from Little Rock, November 19, 1874. Received 9.45 November 20, 1874.]

To U. S. GRANT,
President United States, Washington, D. C.:

The republicans of the State regard the government of 1868 as the lawful one, and Garland as revolutionary. They consider the recognition of Governor Smith as being not only demanded by law, but necessary for their protection. They confidently rely upon you to afford the aid necessary to re-establish the legitimate government which, when done, they are amply able to maintain without further assistance. Messrs. Hines and Hodges are absent from the State, but concur with us in these views.

POWELL CLAYTON.
O. P. SNIDER.

[Telegram from Little Rock, Ark., November 19, 1874. Received 9.45 a. m., November 20, 1874.]

To U. S. GRANT,
President United States, Washington, D. C.:

We, the undersigned, who were elected to the State offices indicated

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opposite our names, on the same ticket with lieutenant-governor, fully indorse his application to you to re-instate the lawful government of the State of Arkansas.

STEPHEN WHEELER, *Auditor.*
HENRY PAGE, *Treasurer.*
J. C. CORBIN,
Superintendent Public Institutions.
W. H. GRAY,
Commissioner State Lands.
W. O. WARWICK, *Chancellor.*

Secretary of state absent from city; Attorney Yonley absent from city. For his position see opinion, case of Smith *against* Garland.

[By telegram dated Little Rock, Ark., 20th, 1874.]

U. S. GRANT,
President United States:

We take this occasion to say that the entire republican party of the State, almost without exception, sustain Lieutenant-Governor Smith, and we join therein.

A. D. THOMAS,
United States Pension-Agent.
JOHN BROOKER,
Collector Internal Revenue, Second District.
H. W. TUCK,
Collector Internal Revenue, Third District.
HENRY M. CASPER,
Receiver Public Moneys.
GEORGE W. DENNISON, *Register.*
WARREN P. EDGERTON,
Special Agent Post-Office Department.
J. C. MILLS, *United States Marshal.*
S. R. HARRINGTON,
United States Attorney.

Referred to the Attorney-General by the President.
November 27, 1874.

UNITED STATES SENATE CHAMBER,
Washington, November 23, 1874.

SIR: It has been stated that the people of Arkansas seem to acquiesce in accepting the pretended constitution under which the Garland faction of the democratic party have usurped the government of the State; and as an evidence of the sentiments of the republican party, which embraces a majority of the people of that State, I have the honor to transmit herewith the address and resolutions adopted unanimously by the republican State convention, which met in Little Rock, September 15, 1874.

I am, respectfully, your obedient servant,

S. W. DORSEY.

Hon. GEO. H. WILLIAMS,
Attorney-General.

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ADDRESS OF THE REPUBLICAN STATE CONVENTION, HELD AT LITTLE ROCK, SEPTEMBER 15, 1874.

To the president and members of the republican State convention :

Your committee, to whom was referred the preparation of an address to the republicans of Arkansas, beg leave to submit the following as the result of its labors, and recommend its adoption :

To the end that our action may be fully understood, we deem it but proper to state the causes which have impelled us to adopt the policy now marked out for the republican party of this State, and give to the public the reasons that have influenced us to our present course.

CONSTITUTION CANNOT BE CHANGED IN ANY OTHER MANNER THAN ASSENTED TO WHEN IT WAS ADOPTED.

The land and water within certain geographical limits do not constitute a State; but the territory over which the State exercises jurisdiction. Nor do the aggregate inhabitants within such limits constitute a State. A political State—and the States of the Union are all of this character—is a body-politic qualified to subsist by perpetual succession and from generation to generation. It is an organization where the innumerable will speaks as a unit by its legally authorized officers and representatives. It is an organization where, in consideration of the surrender of certain natural rights belonging to man, the corporate body, called the State, undertakes the protection of the life, liberty, and property of every person within its jurisdiction. To the State thus organized the first duty of every person is allegiance—it begins with life and only ends with death. Without the unity which a corporate organization gives, there is no such thing as sovereign will. The sovereign will, in all corporate bodies, must be a unit, a legal entity; and the moment the sovereign will ceases to be the legal will of the body-politic, that moment the sovereignty of the State is at an end, and in its stead you have the personal will of an unorganized mass. You no longer have an existing State government, nor the semblance of one. The moment the corporate people cease to exist as such, everything is resolved into its natural elements, and you have territory and people, but no government. Under a corporate existence, the people, in a legal sense, have no right, of themselves, to change the form of government in any other manner than that assented to at the time of its organization. In their corporate character, the people can change their organic law, in such parts as to them may seem meet, so long as they do nothing inconsistent with the Constitution of the United States, and so long as they themselves observe the mode agreed upon when they organized themselves into a body-politic. If this mode be strictly adhered to, the political State and its legal entity are preserved; but the moment a change is made by a departure from the corporate powers, or in a manner unknown to the organic act, you have destroyed the corporate existence of a State, and cut out the line of succession. The will of the corporate body is no longer heard. Its sovereignty no longer exists, and instead of one voice speaking for the whole, the voice of the State is distributed, not to the departments of government, but to an unorganized mob, who have withdrawn their allegiance from the State. Such action is nothing more nor less than revolution, and before entering upon it its consequences should be weighed against the evils which it is proposed to remedy. There are but two methods by which a written constitution can be changed: one is the method agreed upon at the time

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of its adoption, the other is revolution. The general assembly is clothed with power to propose amendments to the constitution, and if the people ratify the proposed amendments, they become a part of the organic act. Instead of pursuing this method, the general assembly has attempted to create a body foreign and unknown to our form of government, and clothe it with power, not to amend the constitution, but to create a new government, founded on the allegiance of the same persons that owe allegiance to the government formed by the constitution of 1868. None of the revolutionsts, or friends of the new-constitution movement, pretend to be the successors of the government organized in 1868; they base their right on the power of the people to make and unmake their government at will, regardless of all constitutional inhibitions. They claim to possess the right to withdraw their allegiance from one form of government and transfer it to another of their own creation, at pleasure. They claim that they are not bound to show any line of succession, and that the people possess the inherent power to make governments. Whether a State of the Union can be wrenched from its orbit, and another form of government created to exercise jurisdiction over the same territory, without the consent or assent of Congress, and in a manner unknown to fundamental law, is a question that the Congress of the United States is called upon for the first time to determine. We say that a State government is not an ephemeral thing; that a State government once formed continues and is binding on the people for all time, unless changed as therein prescribed, and that the causes which would justify revolution are the only causes that would absolve the people from a departure from the strict letter of the constitution. This idea of legitimacy and succession cannot be lost sight of, nor can the precedents be departed from. It was not out of compassion to an exiled Bourbon that Europe consumed one whole generation in blood and carnage. The struggle was, not to place a Bourbon on the throne because he was was a Bourbon, but to sustain their ideas of legitimacy, and the line of succession; and, in the struggle now being made, every State in the Union will be affected by the precedent set in the Arkansas case. If Arkansas can change its form of government and its constitution, in a manner unknown to, and at variance therewith, the people of every other State of the Union may do the same thing every time they become dissatisfied with their officers; or whenever one set of partisans, by a reign of terror and violence, can disturb the public mind to such an extent as to induce it to put another faction in power, by transferring their allegiance to another government.

The question presented to Congress by the Arkansas case is one of great importance, involving, among other things, as it does, a settlement of the question whether the constitution of a State can be altered, changed, or amended by the legislature, or the people, in any other manner than that prescribed by the organic act. The constitution of this State provides for its own amendment, and we insist, inasmuch as the people themselves have pointed out the manner of changing the organic law, that the mode pointed out must be followed, to the exclusion of all others. In other words, the enumeration and pointing out how a change in the constitution may be effected, excludes the idea that it may be done in any other manner, or in any mode not pointed out by the constitution itself. The legislative power of the State is vested in the general assembly, but it is lodged there, not for the creation of new governments, but for the enactment of laws, and with certain limitations and restrictions, among which are, that it shall not be so exercised as to conflict with the constitution itself, or in such manner as may result in the

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destruction of the instrument from which it derives its sole power to legislate. To deny the correctness of this proposition is to say that the creature is clothed with power to destroy its creator. Therefore, we say that the constitution having pointed out how the legislature and the people might change the same, that mode must be followed, and that the pointing out a specific mode for the legislature and the people to pursue in changing the organic act is an inhibition upon that department of government, and the people themselves, to pursue or propose any other.

LEGISLATURE CAN ONLY BE CONVENED IN EXTRAORDINARY SESSION BY THE GOVERNOR.

But this is not our only objection. The legislature of the State can only be convened in extraordinary session by the governor. At the time Elisha Baxter attempted to convene the legislature, it had been adjudicated by the circuit court of Pulaski County that he was not the governor of the State of Arkansas, and a judgment of ouster entered, which was fully executed against him. It is claimed, on the other hand, that the court rendering the judgment had no jurisdiction of the subject-matter of the suit, and for this reason the judgment is a nullity. Whether the courts of the country should be resorted to, in a republican form of government, to determine questions of this kind, or whether a litigant should be allowed to determine the question for himself, need not be discussed here. It will be a sufficient answer to the argument to say that the circuit court of this State is a court of general and original jurisdiction. If a party litigant pleads to the jurisdiction of a court and his plea is overruled, and he desires to settle the question of jurisdiction before judgment, he should apply to a superior court for a writ of prohibition. If he waives this right and judgment goes against him, the only manner known to the law to avoid the force and effect of the judgment is by appeal and supersedeas. Elisha Baxter neglected to apply for a writ of prohibition, and when a judgment of ouster was rendered against him, he neglected and refused to appeal, or take any steps to supersede the judgment; but, on the contrary, after the judgment was executed, by the installation of Brooks, he assumed the right to himself to decide that the court was without jurisdiction in his case, and bid defiance to the lawful authority of the State. In the suit in the circuit court Elisha Baxter was not sued in a representative capacity, but as a private citizen. As a citizen, he was charged with having usurped an office that the majority of the legal electors of the State had granted to another. By demurrer he admitted the fact, and by force of arms he has thus far successfully resisted the lawful authority of the State. Afterward this judgment of the circuit court was introduced, in evidence, in a cause pending in the supreme court, to support an averment that Joseph Brooks was governor of the State of Arkansas, and for the reasons here stated it was held to be a valid and binding judgment, the same having been executed. In view of these facts and adjudications, we contend that Elisha Baxter had no power or authority to convene the legislature in extraordinary session, and that unless convened by proper authority it had no power to pass a bill providing for a constitutional convention, or upon any other subject.

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THE PROPOSED CONSTITUTIONAL CONVENTION WAS NOT PROVIDED FOR BY THE LEGAL GENERAL ASSEMBLY OF ARKANSAS, BUT BY A BODY OF USURPERS.

We further contend that the body of men who convened at the call of Elisha Baxter, and pretended to act as a legislature, was, in fact, an illegal and unlawful assemblage, and had no power to legislate for the people of Arkansas, even if called together by proper authority. The law authorizing the governor of this State to issue writs of election, to fill vacancies happening in the general assembly, only authorizes him to order elections in cases where a vacancy occurs by death or resignation. Yet, in face of the law, Elisha Baxter, on his own motion, ordered elections to be held for members of the general assembly in twenty-one districts, when the term of office of the members from these districts had not expired, nor had they died or resigned. The constitution of this State provides that a "removal from the district" shall be deemed a vacation of office of a member of the general assembly; and another clause provides that "no person holding any office under the United States, or this State, or any county office, excepting postmaster, notary public, officers of the militia and township officers, shall be eligible to or hold seats in the general assembly." These are things which go to the disqualification of the member. The constitution says "each house (not the governor) shall be the judge of the qualification, election, and return of its own members." There was a legal quorum of the general assembly in existence at the time Elisha Baxter issued his proclamation convening the same, without counting those he claims vacated their offices by accepting appointments that rendered them ineligible as members of the legislature. To this quorum of each house, and not to Elisha Baxter, belongs the exclusive power of determining whether a member has "removed from his district," or whether he has accepted an office incompatible with that of a member of the general assembly. By assuming and arrogating to himself the powers belonging to the different branches of the legislature, under martial law and by force of bayonets, he organized a pretended house of representatives, at an unusual place, and other than the capitol, by putting thirty-three persons therein to fill vacancies that had never been declared to exist, save by himself, and that did not occur from "death or resignation." These thirty-three persons, at all times during the pretended session of the legislature, up to the passage of the act providing for a constitutional convention, constituted a majority of the house of representatives, and the minority, had they been so disposed, and they were not, being friendly to Baxter's revolution, were powerless to eject the intruders. By the same disregard of law, and bayonet rule, he placed six persons in the senate to fill vacancies that had never been declared, save by himself, and that did not occur by "death or resignation." The pretended legislature that provided for calling the present constitutional convention, instead of having fourteen legal members in the senate at the time of the passage of the constitutional convention act, only had eight; and instead of having forty-two in the house of representatives, only had nine that were entitled to seats. Called together as that legislature was by a declared usurper: organized as it was within the military lines of Elisha Baxter, and at a place other than the capitol, and composed as it was of thirty-three persons in the house of representatives and six in the senate who were not entitled to seats, we do not and cannot recognize its authority to legislate for the loyal people of the State of Arkansas.

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WHY WE CANNOT PARTICIPATE IN THE ELECTION.

"Why not participate in the election and vote the constitution down if it is obnoxious?" is a question asked by our opponents. We have already stated that the convention was illegally called, and that the present constitution cannot be altered, changed, or amended in any other manner than that pointed out by the constitution itself. We cannot participate in the election without abandoning these propositions. We cannot participate in the election without admitting the legality of every act of Elisha Baxter's administration—from the time a judgment of ouster was entered against him—nor can we participate in the election without assenting to the doctrine that the constitution may be altered, changed, or amended in another manner than that prescribed by the organic act. If a constitutional convention could be legally called, we could afford to enter the contest. Our opponents ask us to waive all questions of legality and enter a contest where he who enters there leaves hopes behind.

PAVING THE WAY TO THE COMMISSION OF FRAUD SUFFICIENT TO HAVE THE CONSTITUTION DECLARED RATIFID.

Fearing that the constitution might be voted down, and to make assurance doubly sure, the constitutional convention, with the co-operation of Elisha Baxter, have suspended the registration-law, and set its safeguards aside, for no other reason than to allow the commission of frauds sufficient to insure a declaration of its adoption. With the registration-law in force, the number of legal voters in each precinct could be easily ascertained; but with no registration in the State everything is left in doubt as to the number of legal voters in each township, and the judges of election, who, no doubt, will be chosen with a view to their fitness for the work, are at liberty to, and no doubt will, make such returns as will show the constitution to be ratified, no matter how many votes may be cast against it. Not content with suspending the registration-act, the constitutional convention, in violation of the constitution itself, passed an ordinance invading the secrecy of the ballot-box so that the judges of election can tell how every man votes. By thus violating the constitution the judges of election have a list of the names of the men who voted against the constitution, which, no doubt, will be furnished the order of White Leagues throughout the State as persons upon whom summary punishment should be inflicted. If this were all, our cause of complaint would not be as great as it is. Instead of allowing the returns of the election to be sent to the capitol, to the usual officers, the constitutional convention has created a board of its own, that is not responsible under the election laws of the State, nor to any tribunal, for the manner in which its members discharge their duty. This board is clothed with the power to declare the constitution ratified, and its action is final and absolute. It is clothed with power to declare who were elected State officers, and from its decision there is no appeal. No tribunal has been created before which frauds, no matter now enormous their character, can be inquired into or reviewed. No tribunal exists before which the vote on the adoption of the constitution can be tested or controverted; nor is there a tribunal before which we can contest the election of any one of the State officers, until after they have been installed into office. While we might be able to show the defeat of the constitution by a vote of twenty thousand, and that thirty thousand illegal and fraudulent votes were placed in the ballot-box and included in the

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returns placed before this board, it would say "We are not authorized to hear a contest or correct the returns; our sole duty is to declare the result from the returns." The standing of the members of the board is no guarantee of a fair election or a fair count, for they are not clothed with power to give it were they so disposed, and the fact that after repeated efforts on the part of our friends in the constitutional convention to get a republican on the election-board of each county and on the State board, they were denied representation, has a tendency to arouse the suspicion that the proposed constitution is to be adopted at all hazards. The State board declares who were elected members of the general assembly, and while we might attempt to make a contest before that body over the election of State officers, we have no power to make it entertain the same, and to enter upon such a contest would be a recognition and admission of the fact that the constitution was brought about by proper authority and legally adopted.

The men who inaugurated rebellion in this State, and thus far have had the conduct of it, knowing as they do the consequences of a failure, will not be particular as to the means used to secure its adoption. On its adoption depends their restoration to power. Its defeat is their political death-knell, and to many of them a notice to quit. The people of Texas, by participation in what the courts afterward declared was an illegal election, were held to be estopped from setting up the illegality, and it becomes us, with the light of their experience before us, to refrain from any act that would embarrass ourselves or the case now before the Congress of the United States.

HAS THE NORTH CHANGED ITS MIND IN RELATION TO UNREPENTANT REBELS.

We feel every confidence that Congress will, at an early day, take up the Arkansas case and re-instate its lawful authority, and we hope no man professing to be a republican, or who desires to perpetuate the existence of the party in this State, will do anything to embarrass the action of our friends in Congress. We regard our triumph as certain, if the policy laid down in this address be strictly adhered to. That there has been some apathy and indifference of late, on the part of the republican members of Congress in relation to southern affairs, cannot be denied; but that apathy and indifference has arisen from a misrepresentation of fact, which is fast being corrected. This apathy and indifference, by our opponents, has been taken as an evidence that the northern mind has at least been brought to recognize the fact that there can be no peace in the lately reconstructed States until the State governments thereof have been remitted to the control of those that led them into rebellion. Such, however, is not the fact. The North has not changed its mind toward the men who clothed it in mourning and increased the national debt three and one-half billions of dollars. It begins to see, with clearness, that the leaders of the late rebellion regret nothing but their defeat. It begins to see that the struggle of the leaders is to overthrow the governments instituted in the South by the reconstruction acts of Congress; not so much because the government itself is obnoxious as to get rid of the work of a republican Congress. While gazing placidly upon the fact that the armed power of the confederacy is concealed from sight, it has not failed to discover that the memory of the "lost cause" and its purposes still survive, and are enshrined in the hearts of most of its followers, who are struggling to make their past disloyalty and treason respectable. Not only this;

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in Kentucky, Tennessee, Georgia and Virginia, where the leaders no longer conceal their feelings or policy, it observes a disposition to ignore and disregard the rights of a class of electors, the protection of which the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States were adopted to preserve and protect. It begins to see that a profession of loyalty was assumed for a purpose, and what that purpose is. The late elections in North Carolina and Tennessee were followed by riots, growing out of the fact that the colored man was denied the right guaranteed by the Constitution of the United States; and upon the heels of these disorders, the telegraph announces the fact that armed white forces, without authority of law or color of authority, and citizens of other States, invaded South Carolina and Mississippi for the purpose of inflicting summary chastisement upon colored men. The object of these expeditions, and the spirit that animated them, as well as that which induced citizens of Texas to send two pieces of artillery to Arkansas to aid Elisha Baxter to overthrow the lawful authority of the State, and resist the courts of the State, are known to the northern mind, and at the proper time it will express itself. So apparent have the designs of the leaders of the rebellion become that the Attorney-General of the United States has called the attention of the President and his cabinet to the matter, and in the mean time has instructed his prosecuting attorneys and marshals to be vigilant in arresting and prosecuting such persons as may in any manner have attempted to prevent an exercise of the right of suffrage or violated any of the acts passed to enforce the thirteenth, fourteenth, and fifteenth amendments to the Constitution.

THE POWERS OF CONGRESS OVER THE QUESTION.

The question presented to Congress is not, as some suppose, a mere contest between Brooks and Baxter, but it is one involving a settlement of the question whether or not a State government can be administered by adjudicated usurpers, and its form changed in a manner unknown to the organic act, to defeat the administration of the same by its legally-elected officers. Section four of article four of the Constitution of the United States declares that "the United States shall guarantee to every State in this Union a republican form of government," and the eighth section of article one clothes Congress with the power "to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States." We contend there is no such thing as "a republican form of government" where force and effect is not given to the voice of the majority of the legal electors. Under the clauses of the Constitution quoted, Congress is clothed with authority to determine whether a republican form of government exists in any one of the States of this Union, and if it does, to guarantee its enjoyment to the people of the State. This is what we demand. By the clauses quoted, Congress is clothed with power to determine whether a republican form of government has ceased to exist, and if so, from what cause, and if it has, to provide by law for the establishment of a government that is republican in form, or for the re-instatement of the lawful government. If, in the examination of the question, Congress should find that a republican form of government had ceased to exist, because the persons representing the sovereignty of the State and administering the powers of government were not chosen in accordance with the constitution and laws of the State; and that the power thus obtained had been used to destroy the existing form of govern-

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ment, and, by revolution, usurpation, and violence, in its stead, create another, we contend that Congress has both the right and power to direct that the State government be surrendered to the persons chosen by the people to exercise those powers, and command the revolutionists to disperse. We are aware that it is, and will be, contended that if a majority of the legal electors are deprived of their choice in the selection of a chief executive officer of the State, that the legislature is clothed with the power to correct the wrong complained of, and install the legally-elected officer. We do not deny this conference of power, but ask, What is the remedy when the legislature refuses to determine the question, as is the fact in this case? The advocates and friends of Elisha Baxter say this is the end of the matter, and that there is no power, either within or outside of the State, to give force and effect to the voice of a majority of the legal electors of the State, if the legislature shall refuse to discharge a duty imposed upon it by the constitution. Here is where we differ. We contend that under the "guarantee" clause of the Constitution of the United States Congress has not only the power, but that it is its imperative duty, when the State authority has refused to act, to see that the voice of the majority of the legal electors is respected and obeyed. Can it be truthfully said that there is a republican form of government in a State where the officers representing the sovereignty and charged with the execution of the law hold their positions in direct opposition to the will of the people, as expressed at the ballot-box, and in defiance to the judgments of the courts of the State, or where, by conspiracy or for any other reason, the legislature refuses to allow the question to be determined? We think not. The power of Congress, under the fourth section of article four of the Constitution of the United States, was fully examined and discussed during the pendency of the reconstruction acts, and State governments, having greater sanction than the one proposed to be established by the proposed new constitution, were declared invalid and set aside for the sole reason that their legitimacy could not be shown. In some instances they could trace their title back to a proposition of the President of the United States; in others they claimed from the people, but in no instance did they pretend to be the successors of a State of the Union. The advocates of a new constitution will be compelled to show that they are the lineal descendants of and successors to the government established in Arkansas in 1868, and that they came into possession of the same through and in the manner prescribed by law. This they cannot do.

WILL CONGRESS ALLOW THE MEN HEREIN DESCRIBED TO OVERTHROW A LOYAL STATE GOVERNMENT, AND IN ITS PLACE ERECT ONE TO BE ADMINISTERED BY DISLOYAL MEN?

Attempts, no doubt, will be made to create the impression that Congress is powerless to interfere; in fact, the boast of our opponents is that, by the time Congress convenes, they will have a constitution and government that is "republican in form," and if Congress should find that Mr. Brooks was elected governor in 1872 for the term of four years, and that he was entitled to the office, it would not find a State government in the State of Arkansas to put him in charge of. The argument is not even ingenious, and, however it may delude the ignorant, we have no fears that the Congress of the United States could not find a "State of Arkansas" if the necessity should arise. It is idle to say that the Congress of the United States can or will sustain the revolution inaugurated by Elisha Baxter, and prosecuted, as it has been,

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by men who have done nothing else for the past thirteen years but denounce and vilify it, because of its republican tendencies. It must be borne in mind that our contest is before a republican tribunal; that on one side are arrayed the loyal and reconstructed men of the State, and that on the other side are arrayed the most vindictive, unforgiving rebels of the South, who but a few short years since wore the mask and gown of the Ku-Klux; who are to-day more intense in their hatred of the North than they ever were, and who are to-day members of the White Leagues. Everything else being equal, we certainly ought to start with the sympathies of Congress. But it is not on sympathy we rely, but the justice of our cause. When Congress shall be informed, as it will be, that the present revolution is not a movement of the people to rid themselves of an obnoxious or oppressive government, but, on the contrary, a movement of unrepentant and unsubdued rebels to overthrow and destroy a loyal government, and on its ruins erect a government like that of Georgia and Tennessee; that ten members of the present constitutional convention were members of the convention of 1861 that passed the ordinance of secession; that another member was governor at the time the ordinance passed; that another member was elected governor during the time the State only acknowledged allegiance to the confederacy; that the legislature that called the constitutional convention would only be entertained with a pass from a military commander; that two of the judges of the supreme court appointed by Elisha Baxter to act during the pretended suspension of the regular judges were confederate supreme judges; that the constitutional convention attempted the suspension by ordinance of the lieutenant-governor and superintendent of public instruction; that upon a direct proposition to recognize the bonded debt of the State, and provide for the prompt payment of the interest and principal thereof at maturity, the same was voted down and excluded from the constitution, there only being nine votes in the affirmative; that the free common school system of the State has been destroyed and the office of superintendent of public instruction abolished; that the sole test applied in selection of candidates for office by the late convention of the White League democratic conservative party was adhesion to the "lost cause," hatred of the North and the negro, and a pledge to drive every prominent republican from the State and colored man from the polls; that the candidate of the White League party for governor was a member of the secession convention and a member of the confederate senate; that its candidate for treasurer of State is an ex-confederate major-general; that its candidate for auditor is an ex-confederate colonel; that its candidate for secretary of State is an ex-confederate colonel; that one of its candidates for supreme judge was the president of the secession convention; that the candidate for chief-justice was a supreme judge and chief-justice at the time the ordinance of secession passed, and at the earliest opportunity swore allegiance to the confederate government, and continued as such under the same; that the candidate for attorney-general is an ex-confederate colonel; that the candidate for commissioner of State lands is an ex-confederate captain. Congress and the northern mind will find little or no difficulty in distinguishing this revolution, or the spirit that moves it, from a peaceful effort of the reconstructed masses to change their organic law in the mode therein pointed out; but that in point of fact it is an attempt to re-organize a government composed of the most virulent rebels in the South.

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WHAT ELISHA BAXTER HAS DONE TO AID IN THE OVERTHROW OF THE PRESENT STATE GOVERNMENT AND TO AID THE REVOLUTIONISTS.

When we have shown to Congress, as we will show, that Elisha Baxter was not elected governor; that he set the judgment of the courts of the country at defiance; that thirty-one members of the house of representatives were by him appointed to high and lucrative offices within a few weeks after voting to prevent a contest for the office of governor; that he proclaimed martial law at the capital of the State, where it continues to-day, and, under its auspices, places thirty-three persons in the house of representatives and in the senate, without whose presence there never was a quorum in either body, and who had no right there; that he solemnly pledged himself, before the pretended election of these so-called members of the legislature, he would not convene the general assembly were every man, woman, and child in the State to petition him to do so, and that, after lulling republicans into security, and electing democrats to fill vacancies of his own creation in the legislature, he violated that promise; that, after pledging himself in the canvass to reduce the appointing power of the governor and make the officers elective by the people, he induced the legislature to create nearly three hundred new offices and retained to himself the power of appointment; that there has been no law in the State since April last but his will; that he, with the aid of an illegal legislature, suspended three of the supreme judges because they would not aid him in his usurpation of the office of governor, and appointed two of his attorneys, who had been confederate supreme judges, to fill the vacancies thus created; that he forced the treasurer of state to resign to give the position to one of his major-generals in the militia, who was a confederate colonel; that he forced the attorney-general to resign and appointed another of his militia generals, an ex-confederate major, to fill the vacancy; that he suspended the superintendent of the penitentiary, and appointed another of his major-generals of militia, an ex-confederate major-general, to fill his place; that he suspended the commissioner of State lands and immigration for the purpose of giving an agent of the associated press, an ex-confederate captain, whose only claims to recognition were the falsehoods he sent to the public by virtue of his position; that he suspended the auditor of State for obeying a mandate of the supreme court; that his administration has been more corrupt and extravagant than that of any preceding administration; that he has driven immigration from the State; that he had used the executive contingent fund of the State to pay his private debts; that life and property are wholly without protection of law, and have been for months past; that he has appointed murderers, for whom rewards are offered, officers in the militia; that he has paralyzed trade; that under his administration the process of the law has been used for the purpose of disarming persons, to the end that assassination might be made less difficult; that he disbanded the militia of loyal men, and in their stead organized a militia of personal and political adherents, composed of Ku-Klux and ex-confederates; that for the purpose of violence and intimidation he has placed the arms of the State in the hands of his ex-confederate militia; that colored and white republicans are arrested on frivolous and trumped-up charges and brutally murdered while in the hands of officers of the law; that he has made the military independent of and superior to the civil power; that he has despoiled citizens of the State of their goods and refused to pay for them because they were not personal adherents; that he has pardoned

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out of the penitentiary, at the instance of political friends, persons convicted of felony, upon the assurance that they would play the desperado in his behalf in the different counties; that he has kept a standing army at his private residence and at the capitol; that he has doubled our taxes; that he has appointed democratic and ex-confederate officers to office, after the adjournment of the legislature, whose nominations were rejected by the senate; that he has encouraged the assassination of republican officials, and invariably appointed ex-confederate democrats to fill the vacancies occasioned by the murder of republicans. In short, to use the language of the declaration of independence, his daily administration has been marked by acts that define him as a tyrant, and unfit to govern a free or loyal people. Therefore, we repeat that, when these things have been shown to Congress, we need have little fear that any member of it will have either the temerity or effrontery to attempt the defense of a government brought into existence by the aid of the acts mentioned, and for the sole benefit of the class of men we have described, and who do not even make a profession of loyalty.

REFUTATION OF THE CHARGE OF HIGH TAXES AND A LAVISH EXPENDITURE OF THE PUBLIC MONEY.

Having briefly alluded to the reasons which have influenced us to not embarrass the cases now before Congress, by participating in the election, and having described the class of men and the animus of those who occupy prominent places in the present rebellion, we are impelled, not only by a sense of duty, but in justice to the republican party, to refute some charges made against it by our opponents. It is charged that the republican party is the author of high taxes in this State, and that its administration is marked with a more lavish and reckless expenditure of the public money than that of any which preceded or followed it. To the end that the people may see how little truth there is in this charge, we have taken the trouble to ascertain the amount of taxes levied during the two years preceding the advent of the republican party to power. The tax for general revenue purposes, for the years 1866 and 1867, was as follows:

1866	$500,791 66
1867	278,089 80
Total	778,881 46
1868	$341,979 37
1869	349,649 96
Total	691,829 33

From the above statement it will be seen that during the first two years the republican party were in charge of the State government it levied $87,252.13 less tax for general revenue purposes than the democratic administration did that preceded it. When it is taken into consideration that, under the two years of republican rule alluded to, a deaf-mute institution and a blind asylum were built, and the expense of supporting and maintaining the same paid out of the general revenue fund, and that $160,000 of the same fund was used to subdue a Ku-Klux rebellion, it may be doubted whether our opponents make anything by inviting comparison.

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During the administration of Governor Clayton State scrip never went below eighty cents, and at times was par. Under the administration of Elisha Baxter, the man who has won the admiration of the "White League" for the efficient manner in which he has conducted the finances of the State and the State government, State scrip never rose higher than sixty cents, and has fallen as low as twenty-five cents, where it stands to-day. These facts are only mentioned in passing, that the public may judge for themselves which of the two administrations had the confidence of the people. Having compared two years of republican rule with two years of democratic rule, and finding the balance in our favor, let us make a comparison with that of Elisha Baxter. 'We have already seen that the general revenue-tax for the years 1868-69 amounted in the aggregate to $691,629.33. Under the "economical administration" of Elisha Baxter, the general revenue tax for the years 1873-'74 is as follows:

1873	$1, 024, 987 93
1874	717, 491 55
Total	1, 742, 479 48

By deducting $691,629.33, levied for general revenue purposes, under the first two years of Clayton's administration, from $1,742,479.48, the amount levied for the same purpose under the administration of Elisha Baxter, we find that one million fifty thousand eight hundred and fifty dollars and fifteen cents more tax was levied for general revenue purposes on an "oppressed and carpet-bag-ridden people" without a murmur, by Elisha Baxter, than was in the same length of time under republican rule.

But our opponents may say this is not a fair test; that the amount of taxes levied in any one year, or series of years, does not show the actual expense of the government. This is true. Elisha Baxter has been in office not quite twenty-one months, and during the first eighteen months of that time warrants have been drawn, payable from the general revenue fund, to the amount of $2,211,400.21. During a period of twenty-seven months, under the administration of Governor Clayton, which is characterized by our opponents as being "the sum of all corruption and villanies," warrants were drawn on the general revenue fund for the sum of $1,422,360.71. This amount deducted from the amount expended under the administration of Elisha Baxter, ($2,211,400.21,) shows that Elisha Baxter expended seven hundred and eighty-nine thousand thirty-nine dollars and fifty cents more in eighteen months than Governor Clayton did in twenty-seven months.

REPUBLICANS PAY THE INTEREST ON THE PUBLIC DEBT.

Under the republican administration of Governors Clayton and Hadley the interest on the public debt was promptly paid. Under the administration of Elisha Baxter not one cent of interest has been paid. Yet Elisha Baxter, by the commission of acts that we cannot forbear characterizing as crimes, has so commended himself to the democratic party that it twice nominated him as its standard-bearer, in preference to a member of its own party. Whether he declined the nomination for governor for so many dollars and cents, as some allege, or under a promise that he should be sent to the United States Senate two years hence, cannot change the indorsement given him by the White League democratic-conservative party. That party has in-

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dorsed his every crime, and it now proposes to reap the fruits of his iniquity. Whether it will be enabled to do so depends entirely on the fact whether or not the Congress of the United States, in violation of all law and precedent, is really anxious to turn the State of Arkansas over to the very men it wrested it from in 1868.

RECORD OF THE REPUBLICAN AND DEMOCRATIC PARTIES ON THE QUESTION OF FREE SCHOOLS.

"Knowledge and learning," so says the Constitution of 1836, "generally diffused through a community, being essential to the preservation of a free government, it shall be the duty of the general assembly to provide by law for the improvement of such lands as are or hereafter may be granted by the United States to this State for the use of schools, and to apply any funds which may be raised from such lands, or from any other source, to the accomplishment of the object they are or may be intended for." Now, let us see how faithfully the democratic party observed this provision of the constitution: In the year 1827 Congress granted Arkansas seventy-two sections of land, for the purpose of establishing a "seminary of learning." From the sale of these lands $184,320 was realized. The money has been squandered, and no "seminary of learning" has been built. Having shown what become of a grant for educational purposes under democratic rule, let us see what a republican administration did with a grant of a like character. Under an act giving to the different States a grant of land for the purpose of establishing "agricultural colleges," the State of Arkansas was entitled to 150,000 acres of land, for which $135,000 was realized. With this money and such donations as have been secured through the activity of the republican officials placed in charge thereof, a farm costing $11,000 has been purchased, and a building costing $130,000 has been erected thereon, and an endowment fund of $130,000 secured. At the time Elisha Baxter came into possession of the executive chair, this institution was in a highly prosperous condition, with two hundred and thirty-four pupils in attendance. But we regret to say that under the administration of Elisha Baxter a change was made in the board of trustees, and from present appearances it is soon likely to become an asylum where indigent survivors of the "lost cause" may be "pensioned off," and the youth of the country taught to hate the Government that endowed the college. Having shown the difference between the two parties in relation to colleges, let us see the difference in relation to the "dissemination of knowledge," a thing the framers of the constitution of 1836 regarded as so "essential to the preservation of a free government." In a period of nearly thirty years the democratic party erected, so Governor Rector says in his message to the legislature of 1861, just twenty-six school-houses. In a period of four years, during all of which time we had to combat a prejudice against free schools, the republican party erected eleven hundred and forty-six school-houses, at a cost of $276,378. In addition to this, during the year 1869, it furnished 68,802 children with the benefit of a free common-school education; in 1870, 107,908; in 1871, 109,309; in 1872, 93,033. Comparisons like these are odious.

HOW THE INTERNAL-IMPROVEMENT FUND WAS SQUANDERED.

For the purpose of showing the utter faithlessness of the democratic party, we desire to call the attention of the public to the fact that in

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the year 1841 the Congress of the United States granted to the State of Arkansas 500,000 acres of land, the proceeds of which were to be applied to building "roads, railroads, bridges, canals, and the improvement of water-courses." Instead of spending the money arising from the sale of said lands, for the purpose indicated in the grant, a democratic legislature passed an act distributing the proceeds arising from the sale to the different counties. Having distributed the money equally between the different counties, a democratic legislature passed another act requiring the custodian of the fund "to loan the same to any citizen of the county applying to borrow it;" at the same time inflicting a penalty on the officer of ten per centum per month if he refused to loan the money. History records the fact that the money was loaned, and we regret to state that the counties have never been able to get it back. Instead of appropriating the money to some great work of improvement, as the other States did, to which a similar grant was made, it was first, in violation of the grant, distributed equally among the counties, and second, by subsequent legislation, loaned to favorites and irresponsible persons, from whom it cannot now be collected. Seventy-two sections of saline lands and seven millions of acres of swamp-land, granted the State by Congress, under democratic rule, have all been frittered away, and no citizen can point to a work of a public nature where one-tenth of the money was expended that was derived from these grants.

HOW CERTAIN DEMOCRATIC POLITICIANS ROBBED THE STATE OF FIVE MILLIONS OF DOLLARS.

Here we might stop the recital and comparison of the acts of the democratic and republican parties, and submit the case as made to an intelligent public for verdict and judgment; but a sense of duty impels us, nauseating and repulsive as the work is, to continue the recital of political corruption seldom seen and never equaled in a republican form of government. Nearly forty years ago our democratic friends were short of money "to buy more niggers to pick more cotton," and they conceived the brilliant idea, as they had no credit of their own, to mortgage their plantations to the State at fabulous prices, and get the State, as it then had no bonded indebtedness, to issue bonds, equal to the amount of the face of the mortgages. A democratic legislature was appealed to, and an act was passed authorizing the establishment of the Real Estate Bank. The mortgages were executed, and the State turned her bonds over to the impecunious gentlemen, who had no credit of their own. The bonds were sold, and a bank organized for the benefit of the mortgagors, who were not slow to borrow its capital. Like the internal-improvement fund, the capital thus borrowed is loaned yet. From the money derived from the sale of the bonds, the State was to receive no profit. The State, in point of fact, was a mere accommodation indorser, the mortgagors pledging themselves to pay the interest and principal of the bonds as the same became due. Instead of complying with that agreement, or paying the interest as the same became due, no interest was paid thereon during the period of thirty years, the State contending that having received no consideration for the bonds, it did not feel like paying a debt that should be paid by the beneficiaries. Our impecunious friends having the money derived from the sale of the bonds in their pockets, not feeling disposed to pay it out in interest, let the bondholder and the State argue the legal and moral phase of the case for nearly forty years. The principal and interest on the debt thus created amounts to nearly five millions of dollars. In equity, the per-

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sons who borrowed the money and executed the mortgages should be compelled to pay it; but, in point of fact, the tax-payer, if he has any respect for the credit of the State, will have to pay the five millions of dollars of private debts that should be paid by individuals. The men who honestly owe this debt of five million dollars are all members of the democratic party, and they can be heard most any day railing of "radical corruption" and high taxes. Instead of instituting suits against the men who owe this debt, and prosecuting them to a speedy judgment, a democratic legislature, at the instance of these debtors, whose influence they fear, and whose property they desire to protect, has so framed the law that it is doubtful if anything can ever be collected on the mortgages. If the present rebellion is successful, we now prophesy that not one dollar will ever be collected, for the men who owe this debt owned the courts and the legislature before the war, and will own them. Whatever else may be said of the republican party, its worst enemy cannot charge it with a crime like this.

REMOVAL OF POLITICAL DISABILITIES DID NOT BRING PEACE.

Disfranchisement, for a long time, was the alleged cause of violence and disorder throughout the State. The republican party, ever ready and anxious to extend the olive branch, and inaugurate an era of good feeling, on its own motion removed all political disabilities imposed for participation in the rebellion. Its magnanimity in so doing has neither been acknowledged nor appreciated by the recipients, nor by our opponents. Instead of decreasing violence and disorder, instead of restoring harmony, peace, and quiet, it only served to open the long pent-up flood-gates of hate and animosity, and many republicans to-day are in doubt whether they are entitled to the plaudits or censure of mankind for their action in this respect. Our magnanimity in removing political disabilities, our every effort at reconciliation, and every overture in the interest of peace, has, by our opponents, been interpreted as an evidence of timidity and cowardice and a license to indulge in a relentless persecution of every man that adhered to, or sympathized with, the war for the preservation of the Union.

WHAT THE REPUBLICAN PARTY HAS TO BE PROUD OF.

The republican party of Arkansas has much to be proud of. Organized, as it was, at the close of a wicked and uncalled-for rebellion, ostracised as its members were, hated, maligned, and despised for its loyalty to the Government and prompt recognition of the rights of the colored man, its magnanimity has known no bounds. Under its reign over six hundred miles of railroad were constructed. Under its advent into power, eleven hundred and forty-six school-houses were built, and one hundred thousand children annually the recipients of a free-school education, and life and property received a greater protection than during any period since the organization of the Government. While it may not have been all that its friends could have desired, and while it may not have accomplished all that was expected, an era of prosperity, such as was never before known in the State, kept pace with its lease of power. Its deeds of usefulness and acts of fidelity to the best interests of the people are no more to be compared to those of the democratic party than light is to darkness or loyalty to treason. It has committed no act to mantle the cheeks of its members with shame, and left a heritage to the people of Arkansas which, if preserved, should embalm

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it in the memory of its loyal citizens. With this record we confidently submit our cause to a loyal Congress and the republicans of Arkansas.

Resolved, That the address prepared by the committee be adopted by this convention, and that the same be published in the address of this convention.

Adopted unanimously.

RESOLUTIONS.

Resolved, That we renew our pledges of fidelity to those grand and beneficent governmental principles in defense of which the republican party was organized, and under which it has conducted the affairs of the nation during the most important epoch in its history, in such manner as to challenge the admiration of a large majority of the intelligent and liberty-loving people of the world.

2. That we denounce the usurpation of the chief executive office of the State by Elisha Baxter, in violation of a decree from a legally-constituted court of competent and general jurisdiction in the State, recognizing and declaring Hon. Joseph Brooks to have been elected governor by a majority of the legal voters of the State, and we deny *in toto* the correctness of the opinion assumed by the Attorney-General of the United States in the opinion addressed to the President, and upon which the latter recognized the usurping State government in Arkansas.

3. That the circuit court, a court of general and competent jurisdiction, having, on the 15th day of April last, declared upon evidence that Hon. Joseph Brooks was governor of the State, we hereby declare it to be our opinion that all acts had and done by Elisha Baxter since the date of that decree were and are revolutionary, null, and void, and that the assembling of the legislature in extraordinary session, by virtue of his proclamation, was a revolutionary proceeding, and cannot be recognized by the republicans of the State.

4. That the late so-called constitutional convention recently assembled, having been called by a revolutionary legislature, without warrant or authority of law, and in violation of the existing constitution of the State, all acts had and done by that convention, as well as those of the legislature which called it, are revolutionary, null, and void, and it would be both improper and impolitic for the republican party to place men in nominatiion as candidates for any of the offices provided for by said so-called convention.

5. That the provisions in the constitution submitted by the late so-called convention, requiring the numbering of ballots, destroys the secrecy thereof and the principle of free and fair elections, and, we believe, is intended as an instrument to be used in the work of intimidation at elections.

6. That in our deliberate judgment we believe that the manipulators of the proposed constitution, well knowing that they could not under a fair and free election get a majority of the voters of this State to ratify a constitution that refuses to acknowledge paramount allegiance to the United States, intend to carry the same by fraud, repeating, and ballot-box stuffing, and in order to be successful in their efforts, refused in their article submitting the same to place any but their own partisans as judges or managers of the election.

7. That the open and declared purpose of the leaders of the "lost cause" and the present "White League" is to seize all the State gov-

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ernments in the South, and drive out or assassinate men who will not obey their behests or subserve their interests, and their claim that the United States will have no authority to interfere in any manner with their State governments unless called upon by them, is but a reassertion, in another form, of the doctrines of the "lost cause," and should be combatted and denounced by every man that acknowledges or owes his allegiance to the National Government.

8. That the action of the late so-called constitutional convention respecting the indebtedness of the State is a shameless but characteristic democratic scheme to repudiate a public obligation legally incurred, and that we reiterate the principle that the prompt and honorable discharge of said obligation is a duty we owe ourselves as well as our creditors.

9. That the action of the late constitutional convention in refusing to provide unqualifiedly for an efficient system of free common schools, wherein the youth of the State could be thoroughly educated, has displayed the usual characteristic democratic opposition to intelligence and intellectual advancement, and its utter failure, in this case alone, to meet the requirements of a people earnestly seeking after knowledge, should of itself be a sufficient cause for the overwhelming defeat of the so-called constitution.

10. That we approve the timely movement calling a southern convention, to be held at Chattanooga on the 13th day of October next, and have the utmost confidence that its deliberations will result in great good to the whole country.

11. That we return our sincere and heartfelt thanks to the Senate of the United States for its zealous efforts in securing the passage of the civil-rights bill, and we request the House of Representatives of the United States to pass the Senate bill, and thus settle for all coming time a prejudice founded on hate and unworthy a people that profess to favor the political and civil equality of all men before the law.

12. That in the colored race at the South we have, since reconstruction, ever found a naturally peaceful and industrious people, zealous and devoted lovers of the National Government, and faithful allies of republicanism, and we demand, as a necessary condition of their security against prejudice and violence, that the National Government enforce in their behalf the full and complete guarantees of the Federal Constitution.

13. That we denounce the misrepresentations and mendacity of the agent of the Associated Press at Little Rock, whose partisan dispatches concerning the late troubles in Arkansas, resulting in the overthrow of our legal State government, have been and are a series of Bourbon-democratic slanders against the republicans of the State, and are unworthy of belief.

14. That it is our deliberate judgment that the recent violent demonstrations in the South are the direct result of an organized effort to renew and revive, in everything but name, the lost cause of the late confederacy; that while the leaders of the late rebellion outwardly profess a friendly regard for the National Government and its supporters, they secretly hate and despise the same; that the cruel and cowardly assaults upon the colored race by the White League conspirators are countenanced or encouraged by the leaders of the democratic party of the South, and are but further manifestations of the spirit and purpose now prevalent, virtually to restore the "lost cause," to which the democratic party in the South is still ardently and devotedly attached.

15. That the so-called "high-toned" Bourbon democrats or "conservatives," who openly denounce the acts of the "White League" Ku-Klux

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in their wholesale outrages and assasinations of both white and colored republicans of the South, for their adherence to the principles of the republican party and their loyalty to the National Government, while they are secretly the prime movers and instigators of all such outrages, are deserving of the severest condemnation from the friends of humanity of every nationality and political faith, and they are hereby denounced and branded as relics of the barbarous ages.

16. That the thanks of the republican party of Arkansas are due, and are hereby tendered, to our Senators and Representatives in Congress for their earnest and untiring efforts in behalf of the legal government of the State, displaying, as it did, a commendable devotion to the rights of the people and the principles of republican government, and that their action in voting for and endeavoring to secure the passage of a civil-rights bill meets with our hearty approval.

17. That the action of a portion of the republican press of the North in re-echoing the false and slanderous cry of "fraud, corruption, and thievery" indiscriminately charged upon "carpet-baggers" by the Bourbon democracy of the South, has invited the grossest acts of violence on the part of unscrupulous rebels, Ku-Klux, and White-Leaguers; has stimulated the hatred of those classes toward every northern man who settles in the South, regardless of his profession, occupation, or station in life; has caused the assassination by secret organizations of rebellious democrats of many good and loyal men, both black and white, whose only crime was fidelity to republican principles and an unqualified refusal to vote the democratic White-League ticket; and we do hereby denounce this action on the part of those who should sustain us in establishing loyal governments in the reconstructed States as criminal in the extreme, and if continued in will soon "wipe out" every loyal white man at the South, return the reins of government to the hands of those who brought on the war, reduce the colored race to a worse condition of servitude than that from which they have just been liberated, and jeopardize the stability of our Government.

Adopted unanimously.

S. W. DORSEY,
President Convention.

W. W. ORRICK,
Secretary.

The foregoing is a true copy.

S. W. DORSEY,
President.

FORT SMITH, ARK., *December* 10, 1874.

SIR: I take the liberty to address you in relation to the condition of affairs in this district, by request of some of my republican friends. I signed the recommendation for the appointment of James F. Fagan as United States marshal for this district, and was led to believe that the appointment would be to the interest of the republican party in this State; but now, after a period of about six months, and having had an opportunity to mark well his administration of affairs and conduct during that time, I am thoroughly convinced that he is not a proper person to hold said position, for the following reasons:

He has always been identified with the democratic party, and cannot

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alienate himself from them; that he has used the official power and patronage of the position to oppress and destroy the republican party in this part of the State; that, with two or three exceptions, he has appointed as deputies none but ex-rebels, and in fact who never lose an opportunity to oppress and denounce republicans. Every action has been in opposition to the republican party. When he assumed control of the office it was expected that we were to have an honest administration of the affairs of this district; but, on the contrary, we find him in collusion with the very men whom the law-officers of the Government are endeavoring to expose and punish. The utter failure of the United States grand jury, which has been in session at this place for the past past four weeks, in bringing to light the frauds perpetrated in this district and exposing the guilty parties, is a matter of no little surprise to almost everybody except those directly interested. Facts have lately come into my possession which fasten the entire responsibility of this matter upon Marshal Fagan, who signed blank summonses to grand jurors, and directed the same to R. C. Kerns, Roots's old chief deputy, who filled in the names of such persons as he knew were friendly to him, and others upon whom suspicion of fraud rested, and thus the action of that grand jury was controlled completely by the men whom the Government was endeavoring to expose, and who kept up a constant communication with the members of the jury. One indictment was found, and in less than one hour thereafter the party was notified and left town. J. W. Donalley, chief clerk under Britton and Roots, although not to be seen in the marshal's office, makes up all the returns for deputies, and, in short, manipulates Fagan's accounts the same as under Britton and Roots. These are facts which can be substantiated if necessary. A very large number of deputies have been commissioned, and among them some of the most disreputable characters that ever infested this country. Numerous complaints reach here from the Indian country in relation to the outrages perpetrated upon the people of that country by deputy marshals. Much has been said at different times in relation to the conduct of United States marshals at this place, which in some instances has brought discredit upon the informer, but I do so in this case without fear of successful contradiction.

I am, sir, very respectfully,

D. F. McKIBBEN,
President Board of Supervisors, Sebastian County.

Hon. GEO. H. WILLIAMS,
Attorney-General United States, Washington, D. C.

NAPOLEON, ARK., *December* 11, 1874.

SIR: I, the undersigned county officer of the county of Desha, elected on the 5th day of November, 1872, for the term of four years, represent that I have been ousted from my said office by a person claiming to have been elected thereto under the provisions of a legal constitution, which was ratified by the people of said State on the 13th of October, 1874.

I take this occasion and manner of saying to you that I do and have voluntarily acquiesced therein, and have yielded up said office under circumstances that would have rendered resistance useless.

I do believe the constitution of 1874 was legally framed and ratified by the people of said State of Arkansas, and I earnestly entreat you to

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take no action as will restore the government of said State created and organized under the provisions of the constitution of 1868.

I was beaten for the county clerkship of my county by a republican, and a negro to boot, and it was fair. I gave him up my office; and the people, both black and white, don't want the government they voted on changed. I say I would rather give my claims up than to have it changed.

One of your supporters,

ROBT. E. DORAN,

A Democrat, and late Clerk of Desha County, Arkansas.

The PRESIDENT OF THE UNITED STATES,

Washington, D. C.

WASHINGTON, D. C., *November* 24, 1874.

RESPECTED SIR: As the Representative-elect from the third congressional district of Arkansas to the Forty-fourth Congress of the United States, representing, as I know I do, the wishes of at least three-fourths of all the people of that State in defending the new constitution and supporting the government of that State organized under it, I beg leave to submit the following brief argument in response to the very voluminous opinion of the Hon. T. D. W. Youley, furnished V. V. Smith, pretending to be the governor of that State, and filed by him with you in support of his pretensions.

The only great cardinal principle that underlies our whole system of American republicanism is that in the establishment and management of State governments *all political power is inherent in the people*, and all free governments are founded on their authority and instituted for their benefit, peace, safety, happiness, and convenience.

The right of the people to exercise this inherent power is expressly declared in the bill of rights of the constitution of almost every State in the Union. So I think that the people being the source of all political power, *they* have the right at *any time* to reform their local State government as to make it conform to their condition and wishes, by calling a convention of delegates of their own choosing to frame a new constitution for that purpose, and when the people are thus assembled in convention they are clothed with the sovereign power of regulating their own domestic affairs in their own way, subject only to the Constitution of the United States. This power they cannot be deprived of either by the Federal Government or by their own action without doing irreparable violence to every principle of the republican institutions of the country.

If this power inheres in the people, then they can exercise it from time to time, and at any time they see proper, for their own protection, benefit, and happiness. This power is not exhausted by being once exercised, nor can the people by a constitutional provision destroy it, because it is inherent in and always abides with them, to be exercised as circumstances and the ever-changing condition of the State may require. To hold the adverse of this proposition would be to say that the people of a State, in the framing of its first constitution, might fasten upon the people of that State for all future time a constitution as immutable as the laws of the Medes and Persians, which could be changed only by violent and armed revolution; such an idea does not accord with the spirit and purpose of our American institutions.

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The attitude of the people of Arkansas in adopting, and in their present efforts to maintain the new constitution just adopted by an overwhelming and unprecedented majority, does not require the application of this principle in as broad a sense as above stated. The constitution of 1868, supplanted by the new one, contains no provision prohibiting or limiting the legislature from calling, or authorizing the people to vote upon the question, and call a convention to frame a new constitution. The following is the only provision of the constitution of 1868 relating in any manner to the changing of that instrument:

ARTICLE 13. SECTION 1. Any amendment to this constitution may be proposed in either house of the general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journal, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the general assembly voting thereon, such amendment or amendments shall become a part of the constitution of this State.

From the above quotation it will be seen that a mode of *amendment only* was provided for. There is no prohibitory word in that provision denying to the legislature the power of enacting a law authorizing the sovereign people, by a vote to be taken by them for the purpose, to determine whether or not they desired a convention called to frame a new constitution, nor is there any such prohibition in any other provision of that constitution.

It is a doctrine held by all the courts that have passed upon the question that in a State government the people have reserved to themselves, to be exercised by their legislature, under their direction or instruction, all political power not expressly forbidden to be thus exercised by the constitution of the State, or that of the United States. (See Cooley's Constitutional Limitations, pp. 9–28, and cases cited; Benton's Abridgment of Congressional Debates, vol. 13, pp. 69–72; Opinions of Attorneys-General, vol. 2, p. 726; Jamison on Constitutional Conventions, p. 8.)

This doctrine rests upon the principle that the people are the source of all political power, and are limited in its exercise only by the Constitution of the United States and express prohibition of the State constitution.

Judge Cooley, in his work on Constitutional Limitations, says that "In the original States and all others subsequently admitted to the Union the power to amend or revise their constitutions resides in the great body of the people as an organized body-politic, who, being vested with ultimate sovereignty, and the source of all State authority, have power to control and alter the law which they have made at their will."

But, says the learned author, "The will of the people to this end can only be expressed in the legitimate modes by which such a body-politic can act, and which must either be prescribed by the constitution whose revision or amendment is sought, or by an act of the legislative department of the State, which *alone would be authorized to speak for the people upon this subject*, and to point out a mode for the expression of their will in the absence of any provision for amendment or revision contained in the constitution itself." (Cooley's Constitutional Limitations, p. 30, par. 23 and 24; see, also, Jamison on Constitutional Conventions, pp. 415,

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418, 479, 520; Opinions of the Judges, 6 Cushing, p. 573; Hammond's Political History of New York, vol. i, chap. 26; Collier *vs.* Frierson, 24 Ala., p. 108; see, also, State *vs.* McBride, 4 Mo.)

It would certainly seem to be a very novel and strained construction of a State constitution to hold that section 1 of article 13, above quoted, operated as a limitation upon the power of the general assembly, by an act, duly passed and approved, to authorize the people to give an expression of their wishes and desires upon the question of calling a constitutional convention. Such a construction has never before been insisted upon, though a number of States, having substantially the same constitutional provision as that of Arkansas, have, by the same proceeding as that adopted and pursued by the latter State, called constitutional conventions, framed and adopted new constitutions, and organized their new governments under them.

In the State of Illinois, its constitution of 1848 prescribed the manner in which the legislature should call a convention to alter or amend that instrument, by requiring a vote of two-thirds of all the members elected to each branch of the general assembly in favor of calling such convention, and recommending to the electors, at the next election of members of the general assembly, to vote for or against a convention, and, if a majority voted for a convention, the next general assembly should call the same. (See section 1, article 12, of the constitution of 1848 of Illinois.)

In the face of that positive direction of the constitution, the general assembly of that State passed an act, approved February 25, 1869, calling a convention "to alter, amend, or revise" that constitution, without even submitting the question to the people, to ascertain their desire in the premises, as prescribed by the old constitution. (See Session Laws of Illinois, 1869.) Under that act of the legislature, delegates were elected, the convention assembled which prepared a new constitution, and presented the same to the people, and under which the people of that State are now living. No one there has ever questioned the regularity of that proceeding.

In support of the validity of a constitution, ratified and supported by the people, however irregular the proceedings may have been in its inception, we have the precedents established by other and older States, from which some of the ablest statesmen of the land have come. The State of Pennsylvania, in 1790, in direct opposition to the constitution of 1776, framed, adopted, and put into operation a new constitution. The State of Delaware, in 1792, did the same thing; so did the States of Maryland in 1831, New York in 1846, Missouri in the years of 1845 and 1861, Louisiana in 1852, and Massachusetts in 1853. In all these cases the old constitutions were revised, or new ones made, without regard to the method prescribed by the constitutions in force at the time. These are examples of States adopted and running through nearly the whole history of the Union, and of such character as to make the precedent thus established partake of the nature of authority.

Upon this well-established authority I assert, with confidence, that the legislature of Arkansas was amply clothed with power to enact the law providing for calling the convention, and submitting that question to the people. (See pamphlet act of Arkansas, 1874, pages 3 to 7, herewith filed.)

By that act the people were called upon to express their desires in the premises through the ballot-box. On the 30th day of June last, at an election held under that act for that purpose, the people, by a vote of about 80,259 for, and but only about 8,607 against, declared in favor

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of the calling of the convention. The authority thus conferred by the people upon that convention was to frame and provide for putting into force a new organic law of that State. I think it will not be seriously contended that this authority did not enable the convention to provide for and abolish such offices, and to provide the time and manner of electing all officers as it might see proper, and the people ratify. The convention thus ordered assembled at the time and place specified in the act authorizing the calling of the same, and, after mature deliberation, framed and submitted to the people for their action the new constitution in question. At the election held for the ratification or rejection of that instrument, there were cast for the ratification of the constitution about 78,697 votes, and against ratification about 24,807 votes, showing a majority for ratification of about 53,890 votes. (See certified copies of the abstracts of the vote cast made by the State board of supervisors of elections, herewith filed, marked A and B.)

Under this new constitution, and pursuant to its provisions, the legislature has assembled and is now in session; all the State and county officers elected under it have been installed and entered upon the discharge of their duties; in short, the whole machinery of government under the new constitution is in complete, harmonious, and successful operation, giving peace and contentment to all the people, with bright hopes of material prosperity in the future. (See certificates C, D, and E.)

In conclusion, I will only add, by way of reply to the voluminous opinion of the Hon. T. D. W. Yonley, furnished V. V. Smith, holding that the general assembly which called the convention was not a legally-organized legislature, that question has been determined and settled by the very able and well-considered opinion of the Attorney-General of the United States, of date of May 15, 1874, and the proclamation of the President of the same date, delivered and issued upon the application of that same legislature, in the Brooks-Baxter imbroglio over the governorship of that State. The whole argument of Mr. Yonley on this subject seems to me to be far-fetched and metaphysical.

Mr. V. V. Smith does not occupy a very enviable position in claiming that the legislature was not a legally-organized body, for the journals of the senate show that he participated in its proceedings, by presiding over that body, when the act was passed authorizing the people to vote on the question of calling the convention; and that act is attested by his signature as president of the senate. (See journals of the senate of Arkansas, session of 1874; also, copy of the act herewith filed, marked "F.")

Besides, this same Smith was a member of, and participated in, the deliberations of the convention that framed this new constitution, (convention is the word used,) and drew his per diem and mileage, as such member, for the whole session, the same as the other members thereof did. (See journal of constitutional convention, 1874; also, certified copies of pay-accounts of Smith, herewith filed, and certificate of secretary of State, marked "G," auditor's certificate, marked "H.")

The new constitution of Arkansas having been framed by the authority of the people, exercised in a legal mode, and ratified by them by an overwhelming majority, and being, as I submit, in every particular republican in form, complying with every requirement of the Federal Constitution, it is difficult to see by what authority of the Constitution of the United States, or upon what principle of American republican institutions, it can be questioned, or the government under it can be disturbed or interfered with by Federal authority in the exercise of the legitimate powers belonging to the State.

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For want of sufficient time and opportunity to consult the authorities bearing on this subject, I have been compelled to be brief in the argument thus presented.

Respectfully submitted.

W. W. WILSHIRE.

Hon. GEORGE H. WILLIAMS,
Attorney-General of the United States.

Statement of aggregate votes cast "for" and "against" the ratification of the constitution recently framed for the State of Arkansas, and for State officers, at the general election held in pursuance of the provisions of the schedule to said constitution, on the 13th day of October, A. D. 1874, to wit:

Aggregate votes for constitution	78,697
Aggregate votes against constitution	24,807
Majority "for constitution"	53,890
For governor:	
Aggregate vote for A. H. Garland	76,453
Scattering	50
Majority for A. H. Garland	76,403
For secretary of state:	
Aggregate vote for B. B. Beavers	75,870
Scattering	5
Majority for B. B. Beavers	75,865
For auditor of State:	
Aggregate votes for Wm. R. Miller	76,234
Scattering	70
Majority for Wm. R. Miller	76,164
For State treasurer:	
Aggregate vote for T. I. Churchill	76,158
Scattering	3
Majority for T. I. Churchill	76,15[illegible]
For attorney-general:	
Aggregate vote for S. P. Hughes	76,137
Scattering	[illegible]
Majority for S. P. Hughes	79,13[illegible]
For State land-commissioner:	
Aggregate vote for I. N. Smithee	76,13[illegible]
Scattering	[illegible]
Majority for I. N. Smithee	75,1[illegible]

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For chief-justice supreme court:

Aggregate vote for E. H. English	75,315
Scattering	11
Majority for E. H. English	75,304

For associate justice:

Aggregate vote for Wm. M. Harrison	75,561
Scattering	1
Majority for Wm. M. Harrison	75,560

For associate justice:

Aggregate vote for David Walker	75,788
Scattering	1
Majority for David Walker	75,787

We hereby certify that the statement contained on the annexed and foregoing two pages and this page are correctly copied from the original abstract in our custody, compiled from the official returns made by the county boards of election supervisors.

Given under our hands this 17th day of November, A. D. 1874.

A. M. ROSE,
DUDLEY E. JONES,
GORDON N. PEAY,
State Board Election Supervisors.

LITTLE ROCK, *Ark.*

We, Dudley E. Jones and Gordon N. Peay, majority of the State board of election supervisors, elected by the general assembly of the State of Arkansas, under the provisions of the act entitled "An act providing for a convention of the people of the State of Arkansas to frame a new constitution," approved May 18, 1874, do hereby certify that at the general election held in pursuance of said act of assembly on the 30th day of June, A. D. 1874, a total of 88,866 votes were cast, of which 80,257 votes were in favor of the call for convention, and 8,607 votes were against the call for convention, as appears from the statement and abstract of said election remaining in our custody, compiled from the official returns made to the State board by the county boards of election supervisors.

Given under our hands this 17th day of November, A. D. 1874.

DUDLEY E. JONES.
GORDON N. PEAY.

LITTLE ROCK, ARK., *November* 16, 1874.

This is to certify that on the 10th day of November, A. D. 1874, the house of representatives of the State of Arkansas of the twentieth session of the general assembly met at the city of Little Rock, the representatives took and subscribed the oath as prescribed in the constitu-

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tion of the State before the chief-justice, Elbert English, of the supreme court of the State of Arkansas, and the house of representatives organized according to law permanently, and, after proper notification to the senate, the general assembly proceeded to legislative business, and is now in session according to law.

A. A. PENNINGTON,
Speaker of House of Representatives.
J. W. GAULDING,
Clerk of House of Representatives.

STATE OF ARKANSAS,
Office of Secretary of State.

I, B. B. Beavers, secretary of State of Arkansas, certify that A. A. Pennington, whose name is subscribed to the annexed and foregoing instrument of writing, was, at the time of signing the same, the speaker of the house of representatives in this State; and I further certify that the signature is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of office, at Little Rock, this 16th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL.] B. B. BEAVERS,
Secretary of State, Arkansas.

LITTLE ROCK, ARK., *November* 16, 1874.

This is to certify that on the 10th day of November, A. D., 1874, the senate of the State of Arkansas of the twentieth session of the general assembly met at the city of Little Rock, the senators took and subscribed the oath as prescribed in the constitution of the State, before Associate Justice W. M. Harrison, of the supreme court of the State, and the senate organized according to law permanently, and, after proper notification to the lower house, the general assembly proceeded to legislative business, and is now in session according to law.

BRADLEY BUNCH,
President of the Senate.

Attest:
THOMAS W. NEWTON, *Secretary.*

STATE OF ARKANSAS,
Office of Secretary of State.

I, B. B. Beavers, secretary of state, Arkansas, certify that Bradley Bunch, whose name is subscribed to the annexed and foregoing instrument of writing, was, at the time of signing the same, the president of the senate in this State; and I further certify the signature of said officer to be genuine.

In testimony thereof I have hereunto set my hand and affixed my seal of office, at Little Rock, this 16th day of November, A. D. 1874.

[SEAL.] B. B. BEAVERS,
Secretary of State, Arkansas.

STATE OF ARKANSAS,
Office of Secretary of State.

I, B. B. Beavers, secretary of state, Arkansas, do hereby certify that the following-named officers of said State took the oaths of the respective offices named at the time specified, and entered upon the discharge

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of the duties of such offices, and now hold the same according to law, viz:

A. H. Garland, governor, November 12, 1874.

B. B. Beavers, secretary of state, November 12, 1874.

Wm. R. Miller, auditor, November 12, 1874.

T. J. Churchill, treasurer, November 12, 1874.

J. N. Smithee, commissioner of immigration and State lands, November 12, 1874.

S. P. Hughes, attorney-general, November 12, 1874.

And the oaths of said several officers are now on file in my office.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Little Rock, this 16th of November, A. D. 1874.

[SEAL.] B. B. BEAVERS,
Secretary of State.

AN ACT providing for a convention of the people of the State of Arkansas to frame a new constitution.

Whereas it is manifest that there are many defects and objectionable provisions in the present constitution of the State, and that it is not satisfactory to the people thereof: Therefore,

Be it enacted by the general assembly of the State of Arkansas, convened in extraordinary session, as follows:

SECTION 1. That a convention of the people of the State is called, to assemble at Little Rock, the capital of the State, on Tuesday, the 14th day of July, 1874, for the purpose of framing a new constitution and providing for putting the same into force.

SEC. 2. That the delegates to said convention shall be chosen by the qualified electors of each county of the State, in the manner hereinafter provided, and shall possess the same qualifications as are provided for a member of the house of representatives.

SEC. 3. Each county in the State, as now organized, shall be entitled to one delegate to said convention, and the following counties shall be entitled to the additional delegates herein mentioned, to wit, the county of Washington shall be entitled to two additional delegates; Benton, one; Clark, one; Hempstead, one; Independence, one; Jefferson, two; Ouachita, one; Phillips, two; Pulaski, three, Sebastian, one; Union, one; White, one; Columbia, one.

SEC. 4. An election shall be held at the several election-precincts of every county in the State on Tuesday, the 30th day of June, A. D. 1874, for the purpose of electing delegates to said convention.

SEC. 5. Said election shall be conducted in accordance with existing laws, except as herein otherwise provided.

SEC. 6. There shall be elected, by joint vote of the senate and house of representatives, a State board of supervisors of said election, to consist of three men of known intelligence and uprightness, who shall take an oath faithfully and impartially to discharge the duties of their office, a majority of whom shall constitute a quorum, and who shall perform the duties herein assigned them.

SEC. 7. Said State board shall at once proceed to appoint a board of county election supervisors for each county of the State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State board. A majority of each board shall constitute a quorum, and shall perform the duties herein assigned to them.

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SEC. 8. The boards of county election supervisors shall at once proceed to appoint three judges of election for each election-precinct in their respective counties; and the judges shall appoint three election-clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as above prescribed.

SEC. 9. The State board shall prescribe the form of poll-books, and each county board shall furnish the judges of each election-precinct with three copies of the poll-books, in the form so prescribed, at the expense of the county.

SEC. 10. Should the judges of any election-precinct fail to attend at the time and place provided by law, or refuse to act, the assembled electors shall choose competent persons, in the manner provided by law, to act in their place, who shall be sworn as above.

SEC. 11. As the electors present themselves at the polls to vote, the judges shall pass upon their qualifications, whereupon the clerks of election shall register their names on the poll-books, if qualified; and such registration by said clerks shall be a sufficient registration in conformity to the constitution of this State, and then their votes shall be taken: *Provided*, No person shall vote outside or elsewhere than in the township, ward, or precinct in which he resides. The electors shall be numbered, and the number of each elector marked on his ballot by one of the judges when deposited.

SEC. 12. After the ballots are counted by the judges, and the result certified on the poll-books by them, the poll-books and the ballots, sealed up, shall be returned to the county board of election supervisors, who shall proceed to cast up the votes, ascertain the result, and furnish the persons elected as delegates to the convention with certificates of election. Each county board shall return to the State board the name or names of the delegates elected; and a full list of the delegates shall be laid before the convention, on the day it assembles, by the State board.

SEC. 13. Each county board shall also return to the State board the names of all persons voted for, with the number of votes received by each.

SEC. 14. If there is a failure to hold an election in any county, or a vacancy occurs in the office of delegate, the president of the convention may order an election in such county forthwith to elect a delegate or delegates to fill such vacancy or vacancies.

SEC. 15. If a majority of the delegates elected to the convention are not present on the day fixed for it to meet, the members present may adjourn from day to day until a majority is present, and then proceed to be organized.

SEC. 16. The delegates and officers of the convention shall take an oath to support the Constitution of the United States.

SEC. 17. Any election-officer, elected or appointed under the provisions of this act, who shall fraudulently and corruptly register, cast up, or make a false return of said election, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned in the jail or penitentiary-house not less than five nor more than ten years. And any person who shall vote more than once, or bribe any person to vote contrary to his wishes, or intimidate or prevent any elector, by threats or promises, from voting, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the jail and penitentiary-house not less than one nor more than five years, and the judges of the several circuit and criminal courts of the State shall give this section specially in charge of the grand juries of their respective jurisdictions.

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SEC. 18. The convention shall have power to determine the election, qualifications, and returns of its members.

SEC. 19. A sufficient amount of money is hereby appropriated out of the State treasury to pay the necessary expenses of said convention, should one be held.

SEC. 20. That at said election the electors shall have written or printed on their ballots, in addition to the name or names voted for as delegate or delegates, "for convention," or "against convention," and said returning-officers shall certify the vote for and against convention in the same manner that the vote for delegates is required to be certified; and if a majority voting vote for a convention, said convention shall be held at the time herein specified, and the delegates to said convention shall receive the same mileage and per diem as is now received by the members of the general assembly.

SEC. 21. The governor shall immediately issue his proclamation for an election under the provisions of this act.

SEC. 22. That all acts and parts of acts in conflict with this act be, and the same are hereby, repealed, and this act shall take effect and be in force from and after its passage.

V. V. SMITH,
President of the Senate.
JAS. H. BERRY,
Speaker of the House of Representatives.

Approved May 18, 1874.

ELISHA BAXTER,
Governor of Arkansas.

OFFICE OF SECRETARY OF STATE, ARKANSAS.

I, B. B. Beavers, secretary of state, Arkansas, do hereby certify that the papers, documents, and journals belonging to the constitutional convention recently assembled at Little Rock, which adjourned finally on the 31st day of October, 1874, are in my office, and I am the legal custodian of the same; and on examining them I find that V. V. Smith took the oath and qualified as a member of that convention, and took his seat in the same as a delegate from Lafayette County, Arkansas, on the 22d day of July, 1874, and continued such until the close thereof, and the journals do not show he ever quit the same and resigned his seat therein.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Little Rock, this 16th day of November, 1874.

[SEAL.] B. B. BEAVERS,
Secretary of State.

No. 59.] CONSTITUTIONAL CONVENTION, STATE OF ARKANSAS.

LITTLE ROCK, *August* 18, 1874.

The State of Arkansas, to V. V. Smith, Dr.

For services rendered as a member of the constitutional convention, from the 14th day of July, A. D. 1874, to the 18th day of August, A. D. 1874, being 36 days, at $6 per day..... $216

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For mileage, traveling to and from the capitol, 280 miles, at 20 cents per mile $56

Total amount due 272

Approved: G. D. ROYSTON,
President of the Constitutional Convention.

I certify the above account is correct.
THOMAS M. NEWTON,
Secretary.

$272.]

Received from James R. Berry, auditor, a warrant on the treasurer for the above amount, on this 18th day of August, 1874.
V. V. SMITH.

STATE OF ARKANSAS, AUDITOR'S OFFICE,
Little Rock, November 16, 1874.

I, William R. Miller, auditor of the State of Arkansas, do hereby certify that the two accounts of V. V. Smith for per diem and mileage as a delegate in the late constitutional convention of said State, assembled in Little Rock, July 14, 1874, hereto attached, are true and correct copies of the originals now on file in my office, and which were paid by a warrant therefor drawn on the treasurer of said State.

In witness whereof I have hereunto set my hand and affixed the seal of my office, at Little Rock, Ark., this the day and year above written.
[SEAL.] W. R. MILLER,
Auditor of State.

[The sections and parts of sections printed in brackets are literal copies of sections of the constitution of 1868.]

CONSTITUTION OF THE STATE OF ARKANSAS.

PREAMBLE.

We, the people of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government; for our civil and religious liberty; and desiring to perpetuate its blessings, and secure the same to ourselves and our posterity; do ordain and establish this constitution.

ARTICLE I.

BOUNDARIES.

[We do declare and establish, ratify and confirm the following as the permanent boundaries of the State of Arkansas, that is to say: Beginning at the middle of the main channel of the Mississippi River, on the parallel of thirty-six degrees of north latitude; running thence west with said parallel of latitude to the middle of the main channel of the Saint Francis River; thence up the main channel of said last-named river to the parallel of thirty-six degrees thirty minutes of north latitude; thence west with the southern boundary-line of the State of Missouri to the southwest corner of said last-named State; thence to be

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bounded on the west to the north bank of Red River, as by act of Congress, and treaties existing January 1, 1837, defining the western limits of the Territory of Arkansas, and to be bounded across and south of Red River by the boundary-line of the State of Texas, as far as to the northwest corner of the State of Louisiana; thence easterly with the northern boundary-line of said last-named State to the middle of the main channel of the Mississippi River; thence up the middle of the main channel of said last-named river, including an island in said river known as "Belle Point Island," and all other land originally surveyed and included as a part of the Territory or State of Arkansas to the thirty-sixth degree of north latitude, the place of beginning.]

SEAT OF GOVERNMENT.

[The seat of government of the State of Arkansas shall be and remain at Little Rock, where it is now established.]

ARTICLE II.

DECLARATION OF RIGHTS.

SECTION 1. All political power is inherent in the people, and government is instituted for their protection, security, and benefit; and they have the right to alter, reform, or abolish the same, in such manner as they may think proper.

SEC. 2. All men are created equally free and independent, and have certain inherent and inalienable rights; amongst which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation; and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

[SEC. 3. The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity; nor exempted from any burden or duty, on account of race, color, or previous condition.]

[SEC. 4. The right of the people peaceably to assemble to consult for the common good, and to petition, by address or remonstrance, the government, or any department thereof, shall never be abridged.]

[SEC. 5. The citizens of this State shall have the right to keep and bear arms, for their common defense.]

[SEC. 6. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man, and all persons may freely write and publish their sentitiments on all subjects, being responsible for the abuse of such right. In all criminal prosecutions for libel the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party charged shall be acquitted.]

[SEC. 7. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury-trial may be waived by the parties in all cases, in the manner prescribed by law.]

[SEC. 8. No person shall be held to answer a criminal charge unless on the presentment or indictment of a grand jury, except in cases of impeachment, or cases such as the general assembly shall make cognizable by justices of the peace, and courts of similar jurisdiction; or cases

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arising in the Army and Navy of the United States; or in the militia, when in actual service in time of war or public danger; and no person, for the same offense, shall be twice put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial, at the same or the next term of said court; nor shall any person be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.]

[SEC. 9. Excessive bail shall not be required; nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted; nor witnesses be unreasonably detained.]

[SEC. 10. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county in which the crime shall have been committed: *Provided*, That the venue may be changed to any other county of the judicial district in which the indictment is found, upon the application of the accused, in such manner as now is or may be prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to be heard by himself and his counsel.]

[SEC. 11. The privilege of the writ of *habeas corpus* shall not be suspended, except by the general assembly, in case of rebellion, insurrection, or invasion, when the public safety may require it.]

SEC. 12. No power of suspending or setting aside the law or laws of the State shall ever be exercised, except by the general assembly.

[SEC. 13. Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property, or character; he ought to obtain justice freely, and without purchase; completely and without denial; promptly and without delay; conformably to the laws.]

[SEC. 14. Treason against the State shall only consist in levying and making war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.]

[SEC. 15. The right of the people of this State to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.]

[SEC. 16. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.]

[SEC. 17. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.]

[SEC. 18. The general assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.]

SEC. 19. Perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges, or honors ever be granted or conferred in this State.

[SEC. 20. No distinction shall ever be made by law, between resident

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aliens and citizens, in regard to the possession, enjoyment, or descent of property.]

SEC. 21. No person shall be taken, or imprisoned, or disseized of his estate, freehold, liberties, or privileges; or outlawed, or in any manner destroyed, or deprived of his life, liberty, or property, except by the judgment of his peers, or the law of the land; nor shall any person, under any circumstances, be exiled from the State.

[SEC. 22. The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated, or damaged for public use, without just compensation therefor.]

SEC. 23. The State's ancient right of eminent domain and of taxation is herein fully and expressly conceded; and the general assembly may delegate the taxing power, with the necessary restriction, to the State's subordinate political and municipal corporations, to the extent of providing for their existence, maintenance, and well-being, but no further.

SEC. 24. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given by law to any religious establishment, denomination, or mode of worship above any other.

[SEC. 25. Religion, morality, and knowledge being essential to good government, the general assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.]

[SEC. 26. No religious test shall ever be required of any person as a qualification to vote or hold office; nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations.]

[SEC. 27. There shall be no slavery in this State, nor involuntary servitude except as a punishment for crime. No standing army shall be kept in time of peace; the military shall, at all times, be in strict subordination to the civil power, and no soldier shall be quartered in any house or on any premises without the consent of the owner, in time of peace, nor in time of war except in a manner prescribed by law.

[SEC. 28. All lands in this State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited.]

SEC. 29. This enumeration of rights shall not be construed to deny or disparage others retained by the people, and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government, and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

ARTICLE III.

FRANCHISE AND ELECTIONS.

SECTION 1. [Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the State twelve months, and in the county six months,] and in the voting precinct or ward one month, [next preceding any election, where he may propose to vote, shall be entitled to vote at all elections by the people.]

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SEC. 2. Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name, or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

SEC. 3. [All elections by the people shall be by ballot.] Every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election-officers on the list of voters opposite the name of the elector who presents the ballot. The election-officers shall be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding or a proceeding to contest an election.

[SEC. 4. Electors shall, in all cases, (except treason, felony, and breach of the peace,) be privileged from arrest during their attendance at elections, and going to and from the same.]

SEC. 5. No idiot or insane person shall be entitled to the privileges of an elector.

SEC. 6. Any person who shall be convicted of fraud, bribery, or other willful and corrupt violation of any election-law of this State, shall be adjudged guilty of a felony, and disqualified from holding any office of trust or profit in this State.

[SEC. 7. No soldier, sailor, or marine, in the military or naval service of the United States shall acquire a residence by reason of being stationed on duty in this State.]

SEC. 8. The general elections shall be held biennially, on the first Monday of September; but the general assembly may, by law, fix a different time.

SEC. 9. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 10. No person shall be qualified to serve as an election officer, who shall hold, at the time of the election, any office, appointment, or employment in or under the Government of the United States, or of this State, or in any city or county or any municipal board, commission, or trust in any city, save only the justices of the peace, and aldermen, notaries public, and persons in the militia service of the State. Nor shall any election-officer be eligible to any civil office to be filled at an election at which he shall serve—save only to such subordinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.

SEC. 11. If the officers of any election shall unlawfully refuse or fail to receive, count, or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any contest arising out of said election.

SEC. 12. All elections by persons acting in a representative capacity shall be *viva voce.*

ARTICLE IV.

DEPARTMENTS.

[SECTION 1. The powers of the government of the State of Arkansas shall be divided into three district departments, each of them to be com-

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fided to a separate body of magistracy, to wit, those which are legislative to one, those which are executive to another, and those which are judicial to another.]

[SEC. 2. No person or collection of persons, being of one of these departments, shall exercise any power belonging to either of the others, except in the instances hereinafter expressly directed or permitted.]

ARTICLE V.

LEGISLATIVE.

[SECTION 1. The legislative power of this State shall be vested in a general assembly, which shall consist of the senate and house of representatives.]

[SEC. 2. The house of representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties.]

SEC. 3. [The senate shall consist of members to be chosen every four years, by the qualified electors of the several districts.] At the first session of the senate, the senators shall divide themselves into two classes, by lot, and the first class shall hold their places for two years only, after which all shall be elected for four years.

[SEC. 4. No person shall be a senator or representative who, at the time of his election, is not a citizen of the United States, nor any one who has not been for two years next preceding his election a resident of this State, and for one year next preceding his election a resident of the county or district whence he may be chosen. Senators shall be at least twenty-five years of age, and representatives at least twenty-one years of age.]

[SEC. 5. The general assembly shall meet at the seat of government every two years, on the first Tuesday after the second Monday in November, until said time be altered by law.

[SEC. 6. The governor shall issue writs of election, to fill such vacancies as shall occur in either house of the general assembly.]

[SEC. 7. No judge of the supreme, circuit, or inferior courts of law or equity, secretary of state, attorney-general for the State, auditor or treasurer, recorder, clerk of any court of record, sheriff, coroner, member of Congress, nor any other person holding any lucrative office under the United States or this State, (militia officers, justices of the peace, postmasters, officers of public schools and notaries excepted,) shall be eligible to a seat in either house of the general assembly.)

SEC. 8. [No person who now is, or shall be hereafter, a collector or holder of public money,] nor any assistant or deputy of such holder or collector of public money, [shall be eligible to a seat in either house of the general assembly, nor to any office of trust or profit, until he shall have accounted for, and paid over, all sums for which he may have been liable.]

SEC. 9. No person hereafter convicted of embezzlement of public money bribery, forgery, or other infamous crime, shall be eligible to the general assembly or capable of holding any office of trust or profit in this State.

SEC. 10. No senator or representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this State.

[SEC. 11. Each house shall appoint its own officers, and shall be sole judge of the qualifications, returns, and elections of its own members.

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A majority of all the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house shall provide.]

SEC. 12. [Each house shall have power to determine the rules of its proceedings,] and punish its members or other persons for contempt or disorderly behavior in its presence; enforce obedience to its process; to protect its members against violence or offers of bribes, or private solicitations; [and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.] A member expelled for corruption shall not, thereafter, be eligible to either house; and punishment for contempt, or disorderly behavior, shall not bar an indictment for the same offense. [Each house shall keep a journal of its proceedings, and, from time to time, publish the same, except such parts as require secrecy; and the yeas and nays, on any question, shall, at the desire of any five members, be entered on the journals.]

[SEC. 13. The sessions of each house, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.]

[SEC. 14. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the general assembly, the vote shall be taken *viva voce*, and entered on the journals.]

[SEC. 15. The members of the general assembly shall, in all cases except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses; and in going to and returning from the same; and, for any speech or debate in either house, they shall not be questioned in any other place.]

SEC. 16. The members of the general assembly shall receive such *per diem* pay and mileage, for their services, as shall be fixed by law. No member of either house shall, during the term for which he has been elected, receive any increase of pay for his services, under any law passed during such term. The term of all members of the general assembly shall begin on the day of their election.

SEC. 17. The regular biennial sessions shall not exceed sixty days in duration, unless by a vote of two-thirds of the members elected to each house of said general assembly: *Provided*, That this section shall not apply to the first session of the general assembly under this constitution, or when impeachments are pending.

SEC. 18. Each house at the beginning of every regular session of the general assembly, and whenever a vacancy may occur, shall elect from its members a presiding officer, to be styled, respectively, the president of the senate, and the speaker of the house of representatives; and whenever, at the close of any session, it may appear that the term of the member elected president of the senate will expire before the next regular session, the senate shall elect another president from those members whose terms of office continue over, who shall qualify and remain president of the senate until his successor may be elected and qualified; and who, in the case of a vacancy in the office of governor, shall perform the duties and exercise the powers of governor as elsewhere herein provided.

[SEC. 19. The style of the laws of the State of Arkansas shall be "Be it enacted by the general assembly of the State of Arkansas."]

SEC. 20. The State of Arkansas shall never be made defendant in any of her courts.

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SEC. 21. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

[SEC. 22. Every bill shall be read at length, on three different days, in each house; unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day; and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal,] and a majority of each house be recorded thereon as voting in its favor.

[SEC. 23. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length.]

[SEC. 24. The general assembly shall not pass any local or special law, changing the venue in criminal cases; changing the names of persons,] or adopting or legitimating children; [granting divorces; vacating roads, streets or alleys.]

SEC. 25. In all cases where a general law can be made applicable, no special law shall be enacted; nor shall the operation of any general law be suspended by the legislature for the benefit of any particular individual, corporation, or association; nor where the courts have jurisdiction to grant the powers or the privileges, or the relief asked for.

SEC. 26. No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated; which notice shall be, at least, thirty days prior to the introduction into the general assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited to the general assembly before such act shall be passed.

SEC. 27. No extra compensation shall be made to any officer, agent, employé, or contractor, after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid, on any claim, the subject-matter of which shall not have been provided for by pre-existing laws; unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each branch of the general assembly.

[SEC. 28. Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the two houses shall be sitting.]

SEC. 29. [No money shall be drawn from the treasury except in pursuance of specific appropriation made by law,] the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents, and no appropriations shall be for a longer period than two years.

SEC. 30. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State; all other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 31. No State tax shall be allowed, or appropriation of money made, except to raise means for the payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection, except by majority of two-thirds of both houses of the general assembly.

SEC. 32. No act of the general assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or

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property, and, in case of death from such injuries, the right of action shall survive, and the general assembly shall prescribe for whose benefit such action shall be prosecuted.

SEC. 33. No obligation or liability of any railroad, or other corporation, held or owned by this State shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the general assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

[SEC. 34. No new bill shall be introduced into either house during the last three days of the session.]

SEC. 35. Any person who shall, directly or indirectly, give, offer, or promise any money, or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer, or member of the general assembly; and any such executive or judicial officer, or member of the general assembly, who shall receive or consent to receive any such consideration, either directly or indirectly to influence his action in the performance or non-performance of his public or official duty, shall be guilty of a felony, and be punished accordingly.

SEC. 36. Proceedings to expel a member for a criminal offense, whether successful or not, shall not bar an indictment and punishment under the criminal laws for the same offense.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION 1. [The executive department of this State shall consist of a governor, secretary of state, treasurer of state, auditor of state, and attorney-general, all of whom shall keep their offices in person at the seat of government, and hold their offices for the term of two years, and until their successors are elected and qualified;] and the general assembly may provide by law for the establishment of the office of commissioner of State lands.

[SEC. 2. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the governor of the State of Arkansas."]

[SEC. 3. The governor, secretary of state, treasurer of state, auditor of state, and attorney-general shall be elected by the qualified electors of the State at large, at the time and places of voting for members of the general assembly; the returns of each election therefor shall be sealed up separately and transmitted to the seat of government by the returning-officers, and directed to the speaker of the house of representatives, who shall, during the first week of the session, open and publish the votes cast and given for each of the respective officers hereinbefore mentioned, in the presence of both houses of the general assembly. The person having the highest number of votes, for each of the respective offices shall be declared duly elected thereto; but if two or more shall be equal and highest in votes for the same office, one of them shall be chosen by the joint vote of both houses of the general assembly, and a majority of all the members elected shall be necessary to a choice.]

SEC. 4. [Contested elections for governor, secretary of state, treasurer of state, auditor of state, and attorney-general shall be determined by the members of both houses of the general assembly in joint session, who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in the case of special elections; and all such contests shall be tried and determined at the first session of the general assembly after the election in which the same shall have arisen.

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[SEC. 5. No person shall be eligible to the office of governor except a citizen of the United States, who shall have attained the age of thirty years, and shall have been seven years a resident of this State.]

[SEC. 6. The governor shall be commander-in-chief of the military and naval forces of this State,] except when they shall be called into the actual service of the United States.

[SEC. 7. He may require information, in writing, from the officers of the executive department, on any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.]

[SEC. 8. He shall give to the general assembly, from time to time and at the close of his official term, to the next general assembly, information, by message, concerning the condition and government of the State, and recommend for their consideration such measures as he may deem expedient.]

SEC. 9. A seal of the State shall be kept by the governor, used by him officially, and called the "great seal of the State of Arkansas."

[SEC. 10. All grants and commissions shall be issued in the name and by the authority of the State of Arkansas, sealed with the great seal of the State, signed by the governor, and attested by the secretary of state.]

[SEC. 11. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of governor, except as herein provided.]

[SEC. 12. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the governor, the powers, duties, and emoluments of the office for the remainder of the term, or until the disability be removed, or a governor elected and qualified, shall devolve upon and accrue to the president of the senate.]

[SEC. 13. If, during the vacancy of the office of governor, the president of the senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the speaker of the house of representatives shall in like manner administer the government.]

SEC. 14. Whenever the office of governor shall have become vacant by death, resignation, removal from office, or otherwise, provided such vacancy shall not happen within twelve months next before the expiration of the term of office for which the late governor shall have been elected, the president of the senate or speaker of the house of representatives, as the case may be, exercising the powers of governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving, by proclamation, sixty days' previous notice thereof, which election shall be governed by the same rules prescribed for general elections of governor as far as applicable; the returns shall be made to the secretary of state, and the acting governor, secretary of state, and attorney-general shall constitute a board of canvassers, a majority of whom shall compare said returns and declare who is elected; and if there be a contested election, it shall be decided as may be provided by law.

[SEC. 15. Every bill which shall have passed both houses of the general assembly, shall be presented to the governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated; which house shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house; by which, likewise, it shall be reconsidered;

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and, if approved by a majority of the whole number elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by "yeas and nays;" and the names of the members voting for or against the bill shall be entered on the journals. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the general assembly, by their adjournment, prevent its return; in which case it shall become a law; unless he shall file the same, with his objections, in the office of the secretary of state, and give notice thereof, by public proclamation, within twenty days after such adjournment.]

SEC. 16. Every order or resolution in which the concurrence of both houses of the general assembly may be necessary, except on questions of adjournment, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 17. The governor shall have power to disapprove of any item or tems of any bill making appropriation of money embracing distinct items; and the part or parts of the bill approved shall be the law; and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

[SEC. 18. In all criminal and penal cases, except in those of treason and impeachment, the governor shall have power to grant reprieves, commutations of sentence, and pardons, after conviction, and to remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason he shall have power, by and with the advice and consent of the senate, to grant reprieves and pardons: and he may, in the recess of the senate, respite the the sentence until the adjournment of the next regular session of the general assembly. He shall communicate to the general assembly at every regular session each case of reprieve, commutation, or pardon, with his reasons therefor, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve.]

SEC. 19. [The governor may, by proclamation, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy or contagious disease;] and he shall specify in his proclamation the purpose for which they are convened; and no other business than that set forth therein shall be transacted until the same shall have been disposed of, after which they may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.

SEC. 20. In cases of disagreement between the two houses of the general assembly, at a regular or special session, with respect to the time of adjournment, the governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting, and, on account of danger from an enemy or disease, to such other place of safety as he may think proper.

SEC. 21. [The secretary of state shall keep a full and accurate record of all the official acts and proceedings of the governor, and, when required, lay the same, with all papers, minutes, and vouchers relating thereto, before either branch of the general assembly.] He shall also discharge the duties of superintendent of public instruction, until otherwise provided by law.

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SEC. 22. [The treasurer of state, secretary of state, auditor of State, and attorney-general shall perform such duties as may be prescribed by law;] they shall not hold any other office or commission, civil or military, in this State, or under any State or the United States, or any other power, at one and the same time; [and in case of vacancy occurring in any of said offices, by death, resignation, or otherwise, the governor shall fill said office by appointment for the unexpired term.]

SEC. 23. When any office, from any cause, may become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have the power to fill the same by granting a commission, which shall expire when the person elected to fill said office at the next general election shall be duly qualified.

ARTICLE VII.

JUDICIAL DEPARTMENT.

[SECTION 1. The judicial power of the State shall be vested in one supreme court; in circuit courts; in county and probate courts; and in justices of the peace. The general assembly may also vest such jurisdiction as may be deemed necessary in municipal corporation courts, courts of common pleas, where established; and, when deemed expedient, may establish separate courts of chancery.]

SEC. 2. The supreme court shall be composed of three judges, one of whom shall be styled chief justice, and elected as such; any two of whom shall constitute a quorum; and the concurrence of two judges shall, in every case, be necessary to a decision.

SEC. 3. When the population of the State shall amount to one million the general assembly may, if deemed necessary, increase the number of judges of the supreme court to five; and, on such increase, a majority of judges shall be necessary to make a quorum or a decision.

SEC. 4. The supreme court, except in cases otherwise provided by this constitution, shall have appellate jurisdiction only; which shall be co-extensive with the State, under such restrictions as may from time to time be prescribed by law. [It shall have a general superintending control over all inferior courts of law and equity;] and, in aid of its appellate and supervisory jurisdiction, [it shall have power to issue writs of error, and supersedeas, certiorari, habeas corpus, prohibition, mandamus, and quo warranto, and other remedial writs, and to hear and determine the same. Its judges shall be conservators of the peace throughout the State,] and shall have power to issue any of the aforesaid writs.

SEC. 5. In the exercise of original jurisdiction the supreme court shall have power to issue writs of quo warranto to the circuit judges and chancellors, when created, and to officers of political corporations when the question involved is the legal existence of such corporations.

SEC. 6. A judge of the supreme court shall be at least thirty years of age, of good moral character, and learned in the law; a citizen of the United States, and two years a resident of the State; and who has been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years. The judges of the supreme court shall be elected by the qualified electors of the State, and shall hold their offices during the term of eight years from the date of their commisions; but at the first meeting of the court after the first election under this constitution the judges shall, by lot, divide themselves into three classes; one of which shall hold his office for four, one for six, and the other for eight

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years; after which, each judge shall be elected for a full term of eight years. A record shall be made in the court of this classification.

[SEC. 7. The supreme court shall appoint its clerk and reporter, who shall hold their offices for six years, subject to removal for good cause.]

[SEC. 8. The terms of the supreme court shall be held at the seat of government, at the times that now are or may be provided by law.]

[SEC. 9. In case all or any of the judges of the supreme court shall be disqualified from presiding in any cause or causes, the court, or the disqualified judge, shall certify the same to the governor, who shall immediately commission the requisite number of men learned in the law, to sit in the trial and determination of such causes.]

SEC. 10. [The supreme judges shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be, after the adjournment of the next general assembly, diminished during the time for which they shall have been elected.] They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under the State or the United States.

SEC. 11. The circuit court shall have jurisdiction in all civil and criminal cases, the exclusive jurisdiction of which may not be vested in some other court provided for by this constitution.

[SEC. 12. The circuit courts shall hold their terms in each county, at such times and places as are, or may be, prescribed by law.]

SEC. 13. The State shall be divided into convenient circuits, each circuit to be made up of contiguous counties, for each of which circuits a judge shall be elected, who, during his continuance in office, shall reside in and be a conservator of the peace within the circuit for which he shall have been elected.

SEC. 14. The circuit courts shall exercise a superintending control and appellate jurisdiction over county, probate, court of common pleas, and corporation courts, and justices of the peace; and shall have power to issue, hear, and determine all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the judge of the appropriate court in vacation.

SEC. 15. Until the general assembly shall deem it expedient to establish courts of chancery, the circuit courts shall have jurisdiction in matters of equity, subject to appeal to the supreme court in such manner as may be prescribed by law.

SEC. 16. A judge of the circuit court shall be a citizen of the United States, at least twenty-eight years of age, of good moral character, learned in the law, two years a resident of the State, and shall have practiced law six years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to six years.

SEC. 17. The judges of the circuit courts shall be elected by the qualified electors of the several circuits, and shall hold their offices for the term of four years.

SEC. 18. The judges of the circuit courts shall, at stated times, receive a compensation for their services, to be ascertained by law; which shall not, after the adjournment of the first session of the general assembly, be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States.

SEC. 19. The clerks of the circuit courts shall be elected by the qualified electors of the several counties for the term of two years, and shall be *ex-officio* clerks of the county and probate courts and recorders: *Provided*, That in any county having a population exceeding fifteen thousand in-

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habitants, as shown by the last Federal census, there shall be elected a county clerk, in like manner as clerk of the circuit court, who shall be *ex-officio* clerk of the probate court of said county.

[SEC. 20. No judge or justice shall preside in the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within such degree as may be prescribed by law; or in which he may have been of counsel, or have presided in any inferior court.]

[SEC. 21. Whenever the office of judge of the circuit court of any county is vacant at the commencement of a term of such court, or the judge of said court shall fail to attend, the regular practicing attorneys in attendance on said court may meet at 10 o'clock a. m. on the second day of the term and elect a judge to preside at such court or until the regular judge shall appear; and if the judge of said court shall become sick or die or unable to continue to hold such court after its term shall have commenced, or shall from any cause be disqualified from presiding at the trial of any causes then pending therein, then the regular practicing attorneys in attendance on said court may in like manner, on notice from the judge or clerk of said court, elect a judge to preside at such court, or to try said causes; and the attorney so elected shall have the same power and authority in said court as the regular judge would have had if present and presiding; but this authority shall cease at the close of the term at which the election shall be made. The proceedings shall be entered at large upon the record. The special judge shall be learned in the law and a resident of the State.]

[SEC. 22. The judges of the circuit courts may temporarily exchange circuits or hold courts for each other, under such regulations as may be prescribed by law.]

[SEC. 23. Judges shall not charge juries with regard to matters of fact, but shall declare the law; and in jury trials shall reduce their charge or instructions to writing on request of either party.]

SEC. 24. The qualified electors of each circuit shall elect a prosecuting attorney, who shall hold his office for the term of two years; and he shall be a citizen of the United States, learned in the law, and a resident of the circuit for which he may be elected.

SEC. 25. The judges of the supreme, circuit, or chancery courts shall not, during their continuance in office, practice law, or appear as counsel in any court—State or Federal—within this State.

SEC. 26. That the general assembly shall have power to regulate, by law, the punishment of contempts, not committed in the presence or hearing of the courts, or in disobedience to process.

SEC. 27. The circuit court shall have jurisdiction upon information, presentment, or indictment, to remove any county or township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office.

SEC. 28. The county courts shall have exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties. The county court shall be held by one judge, except in cases otherwise herein provided.

SEC. 29. The judge of the county court shall be elected by the qualified electors of the county, for the term of two years. He shall be at least twenty-five years of age, a citizen of the United States, a man of upright character, of good business education, and a resident of the

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State for two years before his election; and a resident of the county at the time of his election, and during his continuance in office.

SEC. 30. The justices of the peace of each county shall sit with and assist the county judge in levying the county taxes, and in making appropriations for the expenses of the county, in the manner ner to be prescribed by law; and the county judge, together with a majority of said justices, shall constitute a quorum for such purposes; and in the absence of the county judge a majority of the justices of the peace may constitute the court, who shall elect one of their number to preside. The general assembly shall regulate by law the manner of compelling the attendance of such quorum.

SEC. 31. The terms of the county courts shall be held at the times that are now prescribed for holding the supervisors' courts, or may hereafter be prescribed by law.

SEC. 32. The general assembly may authorize the judge of the county court of any one or more counties, to hold severally a quarterly court of common pleas in their respective counties, which shall be a court of record, with such jurisdiction in matters of contract and other civil matters, not involving title to real estate, as may be vested in such court.

SEC. 33. Appeals from all judgments of county courts or courts of common pleas, when established, may be taken to the circuit court under such restrictions and regulations as may be prescribed by law.

SEC. 34. The judge of the county court shall be the judge of the court of probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estates of deceased persons, executors, administrators, guardians, and persons of unsound mind and their estates, as is now vested in the circuit court, or may be hereafter prescribed by law. The regular terms of the court of probate shall be held at the times that may hereafter be prescribed by law.

SEC. 35. Appeals may be taken from judgments and orders of the probate court to the circuit court, under such regulations and restrictions as may be prescribed by law.

SEC. 36. Whenever a judge of the county or probate court may be disqualified from presiding, in any cause or causes pending in his court, he shall certify the facts to the governor of the State, who shall thereupon commission a special judge to preside in such cause or causes during the time said disqualification may continue, or until such cause or causes may be finally disposed of.

SEC. 37. The county judge shall receive such compensation for his services as presiding judge of the county court, as judge of the court of probate and judge of the court of common pleas, when established, as may be provided by law. In the absence of the circuit judge from the county, the county judge shall have power to issue orders for injunction and other provisional writs in their counties, returnable to the court having jurisdiction: *Provided*, That either party may have such order reviewed by any superior judge in vacation in such manner as shall be provided by law. The county judge shall have power, in the absence of the circuit judge from the county, to issue, hear, and determine writs of *habeas corpus*, under such regulations and restrictions as shall be provided by law.

[SEC. 38. The qualified electors of each township shall elect the justices of the peace for the term of two years; who shall be commissioned by the governor, and their official oath shall be indorsed on the commission.]

[SEC. 39. For every two hundred electors there shall be elected one

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justice of the peace; but every township, however small, shall have two justices of the peace.

SEC. 40. They shall severally have original jurisdiction in the following matters: First, exclusive of the circuit court, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest, and concurrent jurisdiction in matters of contract, where the amount in controversy does not exceed the sum of three hundred dollars, exclusive of interest; second, concurrent jurisdiction in suits for the recovery of personal property, where the value of the property does not exceed the sum of three hundred dollars, and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars; third, such jurisdiction of misdemeanors as is now or may be prescribed by law; fourth, to sit as examining courts and commit, discharge, or recognize offenders to the court having jurisdiction, for further trial, and to bind persons to keep the peace or for good behavior; fifth, for the foregoing purposes, they shall have power to issue all necessary process; sixth, they shall be conservators of the peace within their respective counties; *Provided*, A justice of the peace shall not have jurisdiction where a lien on land, or title or possession thereto, is involved.

SEC. 41. A justice of the peace shall be a qualified elector and a resident of the township for which he is elected.

SEC. 42. Appeals may be taken from the final judgments of the justices of the peace to the circuit courts, under such regulations as are now or may be provided by law.

SEC. 43. Corporation courts, for towns and cities, may be invested with jurisdiction concurrent with justices of the peace in civil and criminal matters, and the general assembly may invest such of them as it may deem expedient with jurisdiction of any criminal offenses not punishable by death, or imprisonment in the penitentiary, with or without indictment, as may be provided by law; and, until the general assembly shall otherwise provide, they shall have the jurisdiction now provided by law.

SEC. 44. The Pulaski chancery court shall continue in existence until abolished by law or the business pending at the adoption of this constitution shall be disposed of, or the pending business be transferred to other courts. The judge and clerk of said court shall hold office for the term of two years, and shall be elected by the qualified voters of the State. All suits and proceedings which relate to sixteenth-section lands, or to money due for said lands, shall be transferred to the respective counties where such lands are located, in such manner as shall be provided by the general assembly at the next session.

SEC. 45. The separate criminal courts established in this State are hereby abolished, and all the jurisdiction exercised by said criminal courts is vested in the circuit courts of the respective counties; and all causes now pending therein are hereby transferred to said circuit courts respectively. It shall be the duty of the clerks of said criminal courts to transfer all the records, books, and papers pertaining to said criminal courts to the circuit courts of their respective counties.

SEC. 46. The qualified electors of each county shall elect one sheriff, who shall be *ex-officio* collector of taxes, unless otherwise provided by law; one assessor, one coroner, one treasurer, who shall be *ex-officio* treasurer of the common-school fund of the county, and one county surveyor, for the term of two years, with such duties as are now or may be prescribed by law: *Provided*, That no per centum shall ever be paid to assessors upon the valuation or assessment of property by them.

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SEC. 47. The qualified electors of each township shall elect a constable, for the term of two years, who shall be furnished, by the presiding judge of the county court, with a certificate of election, on which his official oath shall be indorsed.

SEC. 48. All officers provided for in this article, except constables, shall be commissioned by the governor.

[SEC. 49. All writs and other judicial process shall run in the name of the State of Arkansas, bear test and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude: "Against the peace and dignity of the State of Arkansas."]

SEC. 50. All vacancies occurring in any office provided for in this article shall be filled by special election, save that in case of vacancies occurring in county and township offices six months, and in other offices nine months, before the next general election, such vacancies shall be filled by appointment by the governor.

SEC. 51. That in all cases of allowances made for or against counties, cities, or towns, an appeal shall lie to the circuit court of the county, at the instance of the party aggrieved, or on the intervention of any citizen or resident and tax-payer of such county, city, or town, on the same terms and conditions on which appeals may be granted to the circuit court in other cases; and the matter pertaining to any such allowance shall be tried in the circuit court *de novo*. In case an appeal be taken by any citizen, he shall give a bond, payable to the proper county, conditioned to prosecute the appeal, and save the county from costs on account of the same being taken.

SEC. 52. That in all cases of contest for any county, township, or municipal office, an appeal shall lie at the instance of the party aggrieved, from any inferior board, council, or tribunal to the circuit court, on the same terms and conditions on which appeals may be granted to the circuit court in other cases, and on such appeals the case shall be tried *de novo*.

ARTICLE VIII.

APPORTIONMENT.

SECTION 1. The house of representatives shall consist of not less than seventy-three nor more than one hundred members.

Each county now organized shall always be entitled to one representative; the remainder to be apportioned among the several counties according to the number of adult male inhabitants, taking two thousand as the ratio, until the number of representatives amounts to one hundred, when they shall not be further increased, but the ratio of representation shall, from time to time, be increased as hereinafter provided; so that the representatives shall never exceed that number. And until the enumeration of the inhabitants is taken by the United States Government, A. D. 1880, the representatives shall be apportioned among the several counties as follows:

The county of Arkansas shall elect one representative.
The county of Ashley shall elect one representative.
The county of Benton shall elect two representatives.
The county of Boone shall elect one representative.
The county of Bradley shall elect one representative.
The county of Baxter shall elect one representative.
The county of Calhoun shall elect one representative.
The county of Carroll shall elect one representative.

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The county of Chicot shall elect one representative.
The county of Columbia shall elect two representatives.
The county of Clark shall elect two representatives.
The county of Conway shall elect one representative.
The county of Craighead shall elect one representative.
The county of Crawford shall elect one representative.
The county of Cross shall elect one representative.
The county of Crittenden shall elect one representative.
The county of Clayton shall elect one representative.
The county of Dallas shall elect one representative.
The county of Desha shall elect one representative.
The county of Drew shall elect one representative.
The county of Dorsey shall elect one representative.
The county of Franklin shall elect one representative.
The county of Fulton shall elect one representative.
The county of Faulkner shall elect one representative.
The county of Grant shall elect one representative.
The county of Green shall elect one representative.
The county of Garland shall elect one representative.
The county of Hempstead shall elect two representatives.
The county of Hot Spring shall elect one representative.
The county of Howard shall elect one representative.
The county of Independence shall elect two representatives.
The county of Izard shall elect one representative.
The county of Jackson shall elect one representative.
The county of Jefferson shall elect three representatives.
The county of Johnson shall elect one representative.
The county of Lafayette shall elect one representative.
The county of Lawrence shall elect one representative.
The county of Little River shall elect one representative.
The county of Lonoke shall elect two representatives.
The county of Lincoln shall elect one representative.
The county of Lee shall elect two representatives.
The county of Madison shall elect one representative.
The county of Marion shall elect one representative.
The county of Monroe shall elect one representative.
The county of Montgomery shall elect one representative.
The county of Mississippi shall elect one representative.
The county of Nevada shall elect one representative.
The county of Newton shall elect one representative.
The county of Ouachita shall elect two representatives.
The county of Perry shall elect one representative.
The county of Phillips shall elect three representatives.
The county of Pike shall elect one representative.
The county of Polk shall elect one representative.
The county of Pope shall elect one representative.
The county of Poinsett shall elect one representative.
The county of Pulaski shall elect four representatives.
The county of Prairie shall elect one representative.
The county of Randolph shall elect one representative.
The county of Saline shall elect one representative.
The county of Sarber shall elect one representative.
The county of Scott shall elect one representative.
The county of Searcy shall elect one representative.
The county of Sebastian shall elect two representatives.
The county of Sevier shall elect one representative.

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The county of Sharp shall elect one representative.
The county of Saint Francis shall elect one representative.
The county of Stone shall elect one representative.
The county of Union shall elect two representatives.
The county of Van Buren shall elect one representative.
The county of Washington shall elect three representatives.
The county of White shall elect two representatives.
The county of Woodruff shall elect one representative.
The county of Yell shall elect one representative.

SEC. 2. The legislature shall, from time to time, divide the State into convenient senatorial districts, in such manner that the senate shall be based upon the adult male inhabitants of the State; each senator representing an equal number as nearly as practicable, and until the enumeration of the inhabitants is taken by the United States Government, A. D. 1880, the districts shall be arranged as follows:

The counties of Greene, Craighead, and Clayton shall compose the first district, and elect one senator.

The counties of Randolph, Lawrence, and Sharp shall compose the second district, and elect one senator.

The counties of Carroll, Boone, and Newton shall compose the third district, and elect one senator.

The counties of Johnson and Pope shall compose the fourth district, and elect one senator.

The county of Washington shall compose the fifth district, and elect one senator.

The counties of Independence and Stone shall compose the sixth district, and elect one senator.

The counties of Woodruff, Saint Francis, Cross, and Crittenden shall compose the seventh district, and elect one senator.

The counties of Yell and Sarber shall compose the eighth district, and elect one senator.

The counties of Saline, Garland, Hot Spring, and Grant shall compose the ninth district, and elect one senator.

The counties of Pulaski and Perry shall compose the tenth dstrict, and elect two senators.

The county of Jefferson shall compose the eleventh district, and elect one senator.

The counties of Lonoke and Prairie shall compose the twelfth district, and elect one senator.

The counties of Arkansas and Monroe shall compose the thirteenth district, and elect one senator.

The counties of Phillips and Lee shall compose the fourteenth district, and elect one senator.

The counties of Desha and Chicot shall compose the fifteenth district, and elect one senator.

The counties of Lincoln, Dorsey, and Dallas shall compose the sixteenth district, and elect one senator.

The counties of Drew and Ashley shall compose the seventeenth district, and elect one senator.

The counties of Bradley and Union shall compose the eighteenth district, and elect one senator.

The counties of Calhoun and Ouachita shall compose the nineteenth district, and elect one senator.

The counties of Hempstead and Nevada shall compose the twentieth district, and elect one senator.

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The counties of Columbia and Lafayette shall compose the twenty-first district, and elect one senator.

The counties of Little River, Sevier, Howard, and Polk shall compose the twenty-second district, and elect one senator.

The counties of Fulton, Izard, Marion, and Baxter shall compose the twenty-third district, and elect one senator.

The counties of Benton and Madison shall compose the twenty-fourth district, and elect one senator.

The counties of Crawford and Franklin shall compose the twenty-fifth district, and elect one senator.

The counties of Van Buren, Conway, and Searcy shall compose the twenty-sixth district, and elect one senator.

The counties of White and Faulkner shall compose the twenty-seventh district, and elect one senator.

The counties of Sebastian and Scott shall compose the twenty-eighth district, and elect one senator.

The counties of Poinsett, Jackson, and Mississippi shall compose the twenty-ninth district, and elect one senator.

The counties of Clark, Pike, and Montgomery shall compose the thirtieth district, and elect one senator.

And the senate shall never consist of less than thirty nor more than thirty-five members.

SEC. 3. [Senatorial districts shall at all times consist of contiguous territory, and no county shall be divided in the formation of a senatorial district.]

SEC. 4. The division of the State into senatorial districts, and the apportionment of representatives to the several counties, shall be made by the general assembly at the first regular session after each enumeration of the inhabitants of the State, by the Federal or the State government, shall have been ascertained, and at no other time.

ARTICLE IX.

EXEMPTION.

SECTION 1. The personal property of any resident of this State, who is not married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of two hundred dollars, in addition to his or her wearing-apparel, shall be exempt from seizure on attachment, or sale on execution or other process from any court, issued for the collection of any debt by contract: *Provided*, That no property shall be exempt from execution for debts contracted for the purchase-money therefor while in the hands of the vendee.

SEC. 2. The personal property of any resident of this State, who is married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of five hundred dollars, in addition to his or her wearing-apparel, and that of his or her family, shall be exempt from seizure on attachment or sale on execution or other process from any court, on debt by contract.

SEC. 3. The homestead of any resident of this State, who is married or the head of a family, shall not be subject to the lien of any judgment or decree of any court, or to sale under execution, or other process thereon, except such as may be rendered for the purchase-money, or for specific liens, laborers' or mechanics' liens for improving the same, or for taxes, or against executors, administrators, guardians, receivers, attorneys for moneys collected by them, and other trustees of an express trust, for moneys due from them in their fiduciary capacity.

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SEC. 4. The homestead outside any city, town, or village, owned and occupied as a residence, shall consist of not exceeding one hundred and sixty acres of land, with the improvements thereon, to be selected by the owner; provided the same shall not exceed in value the sum of twenty-five hundred dollars, and in no event shall the homestead be reduced to less than eighty acres, without regard to value.

SEC. 5. The homestead in any city, town, or village, owned and occupied as a residence, shall consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner, provided the same shall not exceed in value the sum of two thousand five hundred dollars, and in no event shall such homestead be reduced to less than one-quarter of an acre of land, without regard to value.

SEC. 6. If the owner of a homestead die, leaving a widow, but no children, and said widow has no separate homestead in her own right, the same shall be exempt, and the rents and profits thereof shall vest in her during her natural life: *Provided*, That if the owner leaves children, one or more, said child or children shall share with said widow, and be entitled to half the rents and profits till each of them arrives at twenty-one years of age—each child's rights to cease at twenty-one years of age—and the shares to go to the younger children; and then all to go to the widow, and provided that said widow or children may reside on the homestead or not. And in case of the death of the widow, all of said homestead shall be vested in the minor children of the testator or intestate.

SEC. 7. The real and personal property of any *femme covert* in this State, acquired either before or after marriage, whether by gift, grant, inheritance, devise, or otherwise, shall, so long as she may choose, be and remain her separate estate and property, and may be devised, bequeathed, or conveyed by her the same as if she were a *femme sole;* and the same shall not be subject to the debts of her husband.

SEC. 8. The general assembly shall provide for the time and mode of scheduling the separate personal property of married women.

SEC. 9. The exemptions contained in the constitution of 1868 shall apply to all debts contracted since the adoption thereof, and prior to the adoption of this constitution.

SEC. 10. The homestead provided for in this article shall inure to the benefit of the minor children, under the exemptions herein provided, after the decease of the parents.

ARTICLE X.

AGRICULTURE, MINING, AND MANUFACTURE.

SECTION 1. The general assembly shall pass such laws as will foster and aid the agricultural, mining, and manufacturing interests of the State, and may create a bureau, to be known as the Mining, Manufacturing, and Agricultural Bureau.

SEC. 2. The general assembly, when deemed expedient, may create the office of State geologist, to be appointed by the governor, by and with the advice and consent of the senate, who shall hold his office for such time, and perform such duties, and receive such compensation as may be prescribed by law: *Provided*, That he shall be at all times subject to removal by the governor for incompetency or gross neglect of duty.

SEC. 3. The general assembly may, by general law, exempt from taxation for the term of seven years from the ratification of this constitution the capital invested in any or all kinds of mining and manufacturing business in this State, under such regulations and restrictions as may be prescribed by law.

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ARTICLE XI.

MILITIA.

SECTION 1. The militia shall consist of all able-bodied male persons, residents of the State, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or this State; and shall be organized, officered, armed, and equipped and trained in such manner as may be provided by law.

SEC. 2. Volunteer companies of infantry, cavalry, or artillery may be formed in such manner and with such restrictions as may be provided by law.

SEC. 3. The volunteer and militia forces shall in all cases (except treason, felony, and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.

SEC. 4. The governor shall, when the general assembly is not in session, have power to call out the volunteers or militia, or both, to execute the laws, repel invasion, repress insurrection, and preserve the public peace, in such manner as may be authorized by law.

ARTICLE XII.

MUNICIPAL AND PRIVATE CORPORATIONS.

SECTION 1. All existing charters or grants of special or exclusive privileges, under which a *bona-fide* organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

[SEC. 2. The general assembly shall pass no special act conferring corporate powers,] except for charitable, educational, penal, or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the State.

[SEC. 3. The general assembly shall provide, by general laws, for the organization of cities (which may be classified) and incorporated towns; and restrict their power of taxation, assessment, borrowing money, and contracting debts, so as to prevent the abuse of such power.

SEC. 4. No municipal corporation shall be authorized to pass any laws contrary to the general laws of the State; nor levy any tax on real or personal property to a greater extent, in one year, than five mills on the dollar of the assessed value of the same:] *Provided*, That, to pay indebtedness existing at the time of the adoption of this constitution, an additional tax of not more than five mills on the dollar may be levied.

SEC. 5. No county, city, town, or other municipal corporation shall become a stockholder in any company, association, or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution, or individual.

SEC. 6. [Corporations may be formed under general laws; which laws may, from time to time, be altered or repealed.] The general assembly shall have the power to alter, revoke, or annul any charter of incorporation now existing and revocable at the adoption of this constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done to the corporators.

SEC. 7. Except as herein provided, the State shall never become a stockholder in, or subscribe to, or be interested in the stock of any corporation or association.

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SEC. 8. No private corporation shall issue stocks or bonds, except for money or property actually received or labor done; and all fictitious increase of stock or indebtedness shall be void; nor shall the stock or bonded indebtedness of any private corporation be increased, except in pursuance of general laws; nor until the consent of the persons holding the larger amount, in value, of stock shall be obtained, at a meeting held after notice given, for a period not less than sixty days, in pursuance of law.

[SEC. 9. No property, nor right of way, shall be appropriated to the use of any corporation, until full compensation therefor shall be first made to the owner, in money, or first secured to him by a deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such corporation, shall be ascertained by a jury of twelve men, in a court of competent jurisdiction, as shall be prescribed by law.]

SEC. 10. No act of the general assembly shall be passed authorizing the issue of bills, notes, or other paper which may circulate as money.

SEC. 11. Foreign corporations may be authorized to do business in this State, under such limitations and restrictions as may be prescribed by law: *Provided*, That no such corporation shall do any business in this State except while it maintains therein one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served; and, as to contracts made or business done in this State, they shall be subject to the same regulations, limitations, and liabilities as like corporations of this State; and shall exercise no other or greater powers, privileges, or franchises than may be exercised by like corporations of this State; nor shall they have power to condemn or appropriate private property.

[SEC. 12. Except as herein otherwise provided, the State shall never assume or pay the debt or liability of any county, town, city, or other corporation whatever, or any part thereof; unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defense.] Nor shall the indebtedness of any corporation to the State ever be released, or in any manner discharged, save by payment into the public treasury.

ARTICLE XIII.

COUNTIES, COUNTY SEATS, AND COUNTY LINES.

[SECTION 1. No county now established shall be reduced to an area of less than six hundred square miles] nor to less than five thousand inhabitants; [nor shall any new county be established with less than six hundred square miles] and five thousand inhabitants: *Provided*, That this section shall not apply to the counties of Lafayette, Pope, and Johnson, nor be so construed as to prevent the general assembly from changing the line between the counties of Pope and Johnson.

SEC. 2. No part of a county shall be taken off to form a new county, or a part thereof, without the consent of a majority of the voters in such part proposed to be taken off.

SEC. 3. No county seat shall be established or changed without the consent of a majority of the qualified voters of the county to be affected by such change, nor until the place at which it is proposed to establish or change such county seat shall be fully designated: *Provided*, That, in formation of new counties, the county seat may be located temporarily by provisions of law.

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SEC. 4. In the formation of new counties, no line thereof shall run within ten miles of the county seat of the county proposed to be divided, except the county seat of Lafayette County.

SEC. 5. Sebastian County may have two districts and two county seats, at which county, probate, and circuit courts shall be held as may be provided by law, each district paying its own expenses.

ARTICLE XIV.

EDUCATION.

SECTION 1. Intelligence and virtue being the safeguards of liberty, and the bulwark of a free and good government, the State shall ever maintain a general, suitable, and efficient system of free schools, whereby all persons in the State, between the ages of six and twenty-one years, may receive gratuitous instruction.

SEC. 2. No money or property belonging to the public school fund, or to this State, for the benefit of schools or universities, shall ever be used for any other than for the respective purposes to which it belongs.

SEC. 3. The general assembly shall provide, by general laws, for the support of common schools by taxes, which shall never exceed in any one year two mills on the dollar on the taxable property of the State; and by an annual *per capita* tax of one dollar, to be assessed on every male inhabitant of this State over the age of twenty-one years: *Provided*, The general assembly may, by general law, authorize school-districts to levy, by a vote of the qualified electors of such district, a tax not to exceed five mills on the dollar in any one year for school purposes: *Provided further*, That no such tax shall be appropriated to any other purpose nor to any other district than that for which it was levied.

SEC. 4. The supervision of public schools, and the execution of the laws regulating the same, shall be vested in and confided to such officers as may be provided for by the general assembly.

ARTICLE XV.

IMPEACHMENT AND ADDRESS.

[SECTION 1. The governor and all State officers, judges of the supreme and circuit courts, chancellors, and prosecuting attorneys, shall be liable to impeachment for high crimes and misdemeanors, and gross misconduct in office; but the judgment shall go no further than removal from office and disqualification to hold any office of honor, trust, or profit under this State. An impeachment, whether successful or not, shall be no bar to an indictment.]

[SEC. 2. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members thereof. The chief-justice shall preside, unless he is impeached or otherwise disqualified, when the senate shall select a presiding officer.]

SEC. 3. The governor, upon the joint address of two-thirds of all the members elected to each house of the general assembly, for good cause, may remove the auditor, treasurer, secretary of state, attorney-general, judges of the supreme and circuit courts, chancellors, and prosecuting attorneys.

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ARTICLE XVI.

FINANCE AND TAXATION.

SECTION 1. Neither the State, nor any city, county, town, or other municipality in this State, shall ever loan its credit for any purpose whatever. Nor shall any county, city, town, or other municipality ever issue any interest-bearing evidences of indebtedness; except such bonds as may be authorized by law to provide for and secure the payment of the present existing indebtedness. And the State shall never issue any interest-bearing treasury warrants or scrip.

SEC. 2. The general assembly shall, from time to time, provide for the payment of all just and legal debts of the State.

SEC. 3. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the general assembly, shall be punishable as may be provided by law, but part of such punishment shall be disqualification to hold office in this State for a period of five years.

SEC. 4. The general assembly shall fix the salaries and fees of all officers in the State; and no greater salary or fee than that fixed by law shall be paid to any officer, employé, or other person, or at any rate other than par value; and the number and salaries of the clerks and employés of the different departments of the State shall be fixed by law.

SEC. 5. All property subject to taxation shall be taxed according to its value, that value to be ascertained in such manner as the general assembly shall direct, making the same equal and uniform throughout the State. No one species of property, from which a tax may be collected, shall be taxed higher than another species of property of equal value: *Provided*, The general assembly shall have power, from time to time, to tax hawkers, peddlers, ferries, exhibitions, and privileges in such manner as may be deemed proper. [*Provided further*, That the following property shall be exempt from taxation: public property used exclusively for public purposes; churches, used as such; cemeteries, used exclusively as such; school-buildings and apparatus; libraries and grounds used exclusively for school purposes; and buildings and grounds and materials used exclusively for public charity.]

SEC. 6. All laws exempting property from taxation, other than as provided in this constitution, shall be void.

SEC. 7. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State may be a party.

SEC. 8. The general assembly shall not have power to levy State taxes for any one year to exceed, in the aggregate, one per cent. of the assessed valuation of the property of the State for that year.

SEC. 9. No county shall levy a tax to exceed one-half of one per cent. for all purposes; but may levy an additional one-half of one per cent. to pay indebtedness existing at the time of the ratification of this constitution.

SEC. 10. The taxes of counties, towns, and cities shall only be payable in lawful currency of the United States, or the orders or warrants of said counties, towns, and cities respectively.

[SEC. 11. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, and no moneys arising from a tax levied for any purpose shall be used for any other purpose.]

SEC. 12. [No money shall be paid out of the treasury until the same

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shall have been appropriated by law,] and then only in accordance with said appropriation.

SEC. 13. Any citizen of any county, city, or town may institute suit, in behalf of himself and all others interested, to protect the inhabitants thereof against the enforcement of any illegal exactions whatever.

ARTICLE XVII.

RAILROADS, CANALS, AND TURNPIKES.

SECTION 1. All railroads, canals, and turnpikes shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other road, and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SEC. 2. Every railroad, canal, or turnpike corporation operated, or partly operated in this State, shall maintain one office therein, where transfers of its stock shall be made and where its books shall be kept for inspection by any stockholder or creditor of such corporation; in which shall be recorded the amount of capital stock subscribed or paid in, and the amounts owned by them respectively, the transfer of said stock, and the names and the places of residence of the officers.

SEC. 3. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads, canals, and turnpikes; and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers within the State, or coming from, or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station. But excursion and commutation tickets may be issued at special rates.

SEC. 4. No railroad, canal, or other corporation, or the lessees, purchasers, or managers of any railroad, canal, or corporation shall consolidate the stock, property, or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation, owning or having control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

SEC. 5. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company. Nor in any arrangement which shall afford more advantageous terms, or greater facilities than are offered or accorded to the public. And all contracts and arrangements in violation of this section shall be void.

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SEC. 6. No discrimination in charges, or for facilities for transportation, shall be made between transportation companies and individuals, or in favor of either by abatement, drawback, or otherwise; and no railroad or canal company, or any lessee, manager, or employé thereof shall make any preferences in furnishing cars or motive-power.

SEC. 7. The general assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of this State, legislative, executive, or judicial.

SEC. 8. The general assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any general or special law for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

SEC. 9. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the general assembly from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

SEC. 10. The general asembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroad, canal, and turnpike companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures.

SEC. 11. That rolling-stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property and shall be liable to execution and sale, in the same manner as the personal property of individuals, and the general assembly shall pass no law exempting any such property from execution and sale.

SEC. 12. All railroads, which are now, or may be hereafter built and operated, either in whole or in part, in this State, shall be responsible for all damages to persons and property, under such regulations as may be prescribed by the general assembly.

SEC. 13. The directors of every railroad corporation shall annually make a report under oath to the auditor of public accounts, of all their acts and doings, which reports shall include such matters relating to railroads as may be prescribed by law, and the general assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.

ARTICLE XVIII.

JUDICIAL CIRCUITS.

Until otherwise provided by the genenal assembly the judicial circuits shall be composed of the following counties:

First—Phillips, Lee, Saint Francis, Prairie, Woodruff, White, and Monroe.

Second—Mississippi, Crittenden, Cross, Poinsett, Craighead, Greene, Clayton, and Randolph.

Third—Jackson, Independence, Lawrence, Sharp, Fulton, Izard, Stone, and Baxter.

Fourth—Marion, Boone, Searcy, Newton, Madison, Carroll, Benton, and Washington.

Fifth—Pope, Johnson, Franklin, Crawford, Sebastian, Sarber, and Yell.

Sixth—Lonoke, Pulaski, Van Buren, and Faulkner.

Seventh—Grant, Hot Spring, Garland, Perry, Saline, and Conway.

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Eighth—Scott, Montgomery, Polk, Howard, Sevier, Little River, Pike, and Clark.

Ninth—Hempstead, Lafayette, Nevada, Columbia, Union, Ouachita, and Calhoun.

Tenth—Chicot, Drew, Ashley, Bradley, Dorsey, and Dallas.

Eleventh—Desha, Arkansas, Lincoln, and Jefferson.

Until otherwise provided by the general assembly, the circuit courts shall be begun and held in the several counties as follows:

FIRST CIRCUIT.

White—First Monday in February and August.

Woodruff—Third Monday in February and August.

Prairie—Second Monday after the third Monday in February and August.

Monroe—Sixth Monday after the third Monday in February and August.

Saint Francis—Eighth Monday after the third Monday in February and August.

Lee—Tenth Monday after the third Monday in February and August.

Phillips—Twelfth Monday after the third Monday in February and August.

SECOND CIRCUIT.

Mississippi—First Monday in March and September.

Crittenden—Second Monday in March and September.

Cross—Second Monday after the second Monday in March and September.

Poinsett—Third Monday after the second Monday in March and September.

Craighead—Fourth Monday after the second Monday in March and September.

Greene—Sixth Monday after the second Monday in March and September.

Clayton—Seventh Monday after the second Monday in March and September.

Randolph—Ninth Monday after the second Monday in March and September.

THIRD CIRCUIT.

Jackson—First Monday in March and September.

Lawrence—Fourth Monday in March and September.

Sharp—Second Monday after the fourth Monday in March and September.

Fulton—Fourth Monday after the fourth Monday in March and September.

Baxter—Sixth Monday after the fourth Monday in March and September.

Izard—Seventh Monday after the fourth Monday in March and September.

Stone—Ninth Monday after the fourth Monday in March and September.

Independence—Tenth Monday after the fourth Monday in March and September.

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FOURTH CIRCUIT.

Marion—Second Monday in February and August.

Boone—Third Monday in February and August.

Searcy—Second Monday after the third Monday in February and August.

Newton—Third Monday after the third Monday in February and August.

Carroll—Fourth Monday after the third Monday in February and August.

Madison—Fifth Monday after the third Monday in February and August.

Benton—Sixth Monday after the third Monday in February and August.

Washington—Eighth Monday after the third Monday in February and August.

FIFTH CIRCUIT.

Greenwood district, Sebastian County—Third Monday in February and August.

Fort Smith district, Sebastian County—First Monday after the fourth Monday in February and August.

Crawford County—Fourth Monday after the fourth Monday in February and August.

Franklin County—Sixth Monday after the fourth Monday in February and August.

Sarber County—Eighth Monday after the fourth Monday in February and August.

Yell County—Tenth Monday after the fourth Monday in February and August.

Pope County—Twelfth Monday after the fourth Monday in February and August.

Johnson County—Fourteenth Monday after the fourth Monday in February and August.

SIXTH CIRCUIT.

In the county of Pulaski on the first Monday in February, and continue twelve weeks if the business of said court require it.

In the county of Lonoke on the first Monday succeeding the Pulaski court, and continue two weeks if the business of said court require it.

In the county of Faulkner on the first Monday after the Lonoke court, and continue two weeks if the business of said court require it.

In the county of Van Buren on the first Monday after the Faulkner court, and continue two weeks if the business of said court require it.

FALL TERM, SIXTH CIRCUIT.

In the county of Pulaski on the first Monday in October, and continue seven weeks if the business of said court require it.

In the county of Lonoke, on the first Monday next after the Pulaski court, and continue two weeks if the business of said court require it.

In the county of Faulkner, on the first Monday after the Lonoke court, and continue one week if the business of said court require it.

In the county of Van Buren, on the first Monday after the Faulkner court, and continue one week if the business of said court require it.

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SEVENTH CIRCUIT.

Hot Spring—Second Monday in March and September.
Grant—Third Monday in March and September.
Saline—Fourth Monday in March and September.
Conway—Second Monday after fourth Monday in March and September.
Perry—Fourth Monday after the fourth Monday in March and September.
Garland—Fifth Monday after the fourth Monday in March and September.

EIGHTH CIRCUIT.

Montgomery—First Monday in February and August.
Scott—First Monday after the first Monday in February and August.
Polk—Second Monday after the first Monday in February and August.
Sevier—Third Monday after the first Monday in February and August.
Little River—Fifth Monday after the first Monday in February and August.
Howard—Seventh Monday after the first Monday in February and August.
Pike—Eighth Monday after the first Monday in February and August.
Clark—Ninth Monday after the first Monday in February and August.

NINTH CIRCUIT.

Calhoun—First Monday in March and September.
Union—Second Monday after the first Monday in March and September.
Columbia—Fourth Monday after the first Monday in March and September.
Lafayette—Sixth Monday after the first Monday in March and September.
Hempstead—Eighth Monday after the first Monday in March and September.
Nevada—Eleventh Monday after the first Monday in March and September.
Ouachita—Thirteenth Monday after the first Monday in March and September.

TENTH CIRCUIT.

Dorsey—Third Monday in February and August.
Dallas—First Monday in March and September.
Bradley—Second Monday in March and September.
Ashley—Third Monday in March and September.
Drew—Second Monday after the third Monday in March and September.
Chicot—Fourth Monday after the third Monday in March and September.

ELEVENTH CIRCUIT.

In the county of Desha on the first Monday in March and September.

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In the county of Arkansas on the fourth Monday in March and September.

In the county of Lincoln on the third Monday after the fourth Monday in March and September.

In the county of Jefferson on the sixth Monday after the fourth Monday in March and September.

ARTICLE XIX.

MISCELLANEOUS PROVISIONS.

SECTION 1. No person who denies the being of a God shall hold any office in the civil departments of this State, nor be competent to testify as a witness in any court.

SEC. 2. No person who may hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in the State for a period of ten years; and may be otherwise punished as the law may prescribe.

SEC. 3. No person shall be elected to or appointed to fill a vacancy in any office, who does not possess the qualifications of an elector.

SEC. 4. All civil officers for the State at large shall reside within the State, and all district, county, and township officers within their respective districts, counties, and townships, and shall keep their offices at such places therein as are now, or may hereafter be, required by law.

SEC. 5. All officers shall continue in office, after the expiration of their official terms, until their successors are elected and qualified.

SEC. 6. No person shall hold or perform the duties of more than one office in the same department of the government at the same time, except as expressly directed or permitted by this constitution.

SEC. 7. Absence on business of the State or of the United States, or on a visit, or on necessary private business, shall not cause a forfeiture of residence once obtained.

SEC. 8. It shall be the duty of the general assembly to regulate by law in what cases, and what, deductions from the salaries of public officers shall be made for neglect of duty in their official capacity.

SEC. 9. The general assembly shall have no power to create any permanent State office not expressly provided for by this constitution.

SEC. 10. Returns for all elections, for officers who are to be commissioned by the governor, and for members of the general assembly, except as otherwise provided by this constitution, shall be made to the secretary of state.

SEC. 11. The governor, secretary of state, auditor, treasurer, attorney-general, judges of the supreme court, judges of the circuit court, commissioner of State lands, and prosecuting attorneys, shall each receive a salary to be established by law, which shall not be increased or diminished during their respective terms, nor shall any of them, except the prosecuting attorneys, after the adoption of this constitution, receive to his own use any fees, costs, perquisites of office, or other compensation; and all fees that may hereafter be payable by law, for any service performed by any officer mentioned in this section, except prosecuting attorneys, shall be paid in advance into the State treasury: *Provided*, That the salaries of the respective officers herein mentioned shall never exceed, per annum: For governor, the sum of $4,000; for secretary of state, the sum of $2,500; for treasurer of state, the sum of $3,000; for auditor of state, the sum of $3,000; for attorney-general, the sum of $2,500; for commissioner of State lands, the sum of $2,500; for judges of the

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supreme court, each the sum of $4,000; for judges of the circuit courts, and chancellors, each the sum of $3,000; for prosecuting attorneys, the sum of $400: *And provided further*, That the general assembly shall provide for no increase of salaries of its members which shall take effect before the meeting of the next general assembly.

[SEC. 12. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom and on what account, shall, from time to time, be published as may be prescribed by law.].

SEC. 13. All contracts for a greater rate of interest than ten per centum per annum shall be void as to principal and interest, and the general assembly shall prohibit the same by law; but when no rate of interest is agreed upon, the rate shall be six per centum per annum.

[SEC. 14. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.]

SEC. 15. All stationery, printing, paper, fuel for the use of the general assembly and other departments of government, shall be furnished, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the general assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall in any way be interested in such contracts, and all such contracts shall be subject to the approval of the governor, auditor, and treasurer.

SEC. 16. All contracts for erecting or repairing public buildings or bridges in any county, or for materials therefor, or for providing for the care and keeping of paupers, where there are no alms-houses, shall be given to the lowest responsible bidder, under such regulations as may be provided by law.

SEC. 17. The laws of this State, civil and criminal, shall be revised, digested, arranged, published, and promulgated at such times and in such manner as the general assembly may direct.

SEC. 18. The general assembly, by suitable enactments, shall require such appliances and means to be provided and used as may be necessary to secure, as far as possible, the lives, health, and safety of persons employed in mining, and of persons traveling upon railroads, and by other public conveyances, and shall provide for enforcing such enactments by adequate pains and penalties.

SEC. 19. It shall be the duty of the general assembly to provide by law for the support of institutions for the education of the deaf and dumb, and of the blind; and also for the treatment of the insane.

SEC. 20. Senators and representatives, and all judicial and executive, State and county officers, and all other officers, both civil and military, before entering on the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I, ———, do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of ——, upon which I am now about to enter."

SEC. 21. The sureties upon the official bonds of all State officers shall be residents of, and have sufficient property within the State, not exempt from sale under execution, attachment, or other process of any court, to make good their bonds; and the sureties upon the official bonds of all county officers shall reside within the counties where such

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officers reside, and shall have sufficient property therein, not exempt from such sale, to make good their bonds.

SEC. 22. [Either branch of the general assembly, at a regular session thereof, may propose amendments to this constitution; and if the same be agreed to by a majority of all the members elected to each house, such proposed amendments shall be entered on the journals with the yeas and nays,] and published in at least one newspaper in each county where a newspaper is published, for six months immediately preceding the next general election for senators and representatives, at which time the same shall be submitted to the electors of the State for approval or rejection; [and if a majority of the electors voting at such election adopt such amendments, the same shall become a part of this constitution.] But no more than three amendments shall be proposed or submitted at the same time. They shall be so submitted as to enable the electors to vote on each amendment separately.

SEC. 23. No officer of this State, nor of any county, city, or town, shall receive, directly or indirectly, for salary, fees, and perquisites, more than five thousand dollars net profit per annum in par funds; and any and all sums in excess of this amount shall be paid into the State, county, city, or town treasury, as shall hereafter be directed by appropriate legislation.

SEC. 24. The general assembly shall provide by law the mode of contesting elections in cases not specifically provided for in this constitution.

[SEC. 25. The present seal of the State shall be and remain the seal of the State of Arkansas until otherwise provided by law, and shall be kept and used as provided in this constitution.]

SEC. 26. Militia officers, and officers of the public schools, and notaries, may be elected to fill any executive or judicial office.

SEC. 27. Nothing in this constitution shall be so construed as to prohibit the general assembly from authorizing assessments on real property for local improvements, in towns and cities, under such regulations as may be prescribed by law; to be based upon the consent of a majority in value of the property-holders owning property adjoining the locality to be affected; but such assessments shall be *ad valorem* and uniform.

SCHEDULE.

SECTION 1. [All laws now in force, which are not in conflict or inconsistent with this constitution, shall continue in force until amended or repealed by the general assembly,] and all laws exempting property from sale on execution, or by decree of a court, which were in force at the time of the adoption of the constitution of 1868, shall remain in force with regard to contracts made before that time. Until otherwise provided by law, no distinction shall exist between sealed and unsealed instruments, concerning contracts between individuals, executed since the adoption of the constitution of 1868: *Provided*, That the statutes of limitation with regard to sealed and unsealed instruments in force at that time continue to apply to all instruments afterward executed until altered or repealed.

SEC. 2. In civil actions no witness shall be excluded because he is a party to the suit, or interested in the issue to be tried: *Provided*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transactions with or statements of the testator, intestate, or ward, unless called to testify thereto

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by the opposite party: *Provided further*, That this section may be amended or repealed by the general assembly.

SEC. 3. An election shall be held at the several election-precincts of every county in the State, on Tuesday, the 13th day of October, 1874, for governor, secretary of state, auditor, treasurer, attorney-general, commissioner of State lands (for two years unless the office is sooner abolished by the general assembly), chancellor, and clerk of the separate chancery court of Pulaski County, chief-justice and two associate justices of the supreme court, a circuit judge and prosecuting attorney for each judicial circuit provided for in this constitution, senators and representatives to the general assembly, all county and township officers provided for in this constitution; and also for the submission of this constitution to the qualified electors of the State, for its adoption or rejection.

SEC. 4. The qualification of voters at the election, to be held as provided in this schedule, shall be the same as is now prescribed by law.

SEC. 5. The State board of supervisors, hereinafter mentioned, shall give notice of said election immediately after the adoption of this constitution by this convention, by proclamation in at least two newspapers published at Little Rock, and such other newspapers as they may select. And each county board of supervisors shall give public notice, in their respective counties, of said election, immediately after their appointment.

SEC. 6. The governor shall also issue a proclamation enjoining upon all peace officers the duty of preserving good order on the day of said election, and preventing any disturbance of the same.

SEC. 7. Augustus H. Garland, Gordon N. Peay, and Dudley E. Jones, are hereby constituted a State board of supervisors of said election, who shall take an oath faithfully and impartially to discharge the duties of their office; a majority of whom shall be a quorum, and who shall perform the duties herein assigned them. Should a vacancy occur in said board, by refusal to serve, death, removal, resignation, or otherwise, or if any member should become incapacitated from performing said duties, the remaining members of the board shall fill the vacancy by appointment. But if all the places on said board become vacant at the same time, the said vacancies shall be filled by the president of this convention.

SEC. 8. Said State board shall at once proceed to appoint a board of election supervisors for each county of this State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State board. A majority of each board shall constitute a quorum, and shall perform the duties herein assigned to them; and vacancies occurring in the county boards shall be filled by the State board.

SEC. 9. The State board shall provide the form of poll-books, and each county board shall furnish the judges of each election-precinct with three copies of the poll-books in the form prescribed, and with ballot-boxes, at the expense of the county.

SEC. 10. The State board of supervisors shall cause to be furnished in pamphlet form a sufficient number of copies of this constitution to supply each county supervisor and judge of election with a copy, and shall forward the same to the county election-boards for distribution.

SEC. 11. The boards of county election-supervisors shall at once proceed to appoint three judges of election for each election-precinct in their respective counties; and the judges shall appoint three election-clerks for their respective precincts, all of whom shall be good, competent men,

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and take an oath as prescribed above. Should the judges of any election-precinct fail to attend at the time and place provided by law, or decline to act, the assembled electors shall choose competent persons, in the manner provided by law, to act in their place, who shall be sworn as above.

SEC. 12. Said election shall be conducted in accordance with existing laws, except as herein provided. As the electors present themselves at the polls to vote, the judges of the election shall pass upon their qualifications and the clerks of the election shall register their names on the poll-books, if qualified; and such registration by said clerks shall be a sufficient registration in conformity with the constitution of this State, and then their votes shall be taken.

SEC. 13. Each elector shall have written or printed on his ticket, "For constitution," or "Against constitution," and also the offices and the names of the candidates for the offices for whom he desires to vote.

SEC. 14. The judges shall deposit the tickets in the ballot-box; but no elector shall vote outside of the township or ward in which he resides. The names of the electors shall be numbered, and the corresponding numbers shall be placed on the ballots by the judges when deposited.

SEC. 15. All dram-shops and drinking-houses in this State shall be closed during the day of said election, and the succeeding night; and any person selling or giving away intoxicating liquors during said day or night shall be punished by fine, not less than two hundred dollars, for each and every offense, or imprisoned not less than six months, or both.

SEC. 16. The polls shall be opened at 8 o'clock in the forenoon, and shall be kept open until sunset. After the polls are closed the ballots shall be counted by the judges at the place of voting, as soon as the polls are closed, unless prevented by violence or accident, and the results by them certified on the poll-books, and the ballots sealed up. They shall be returned to the county board of election-supervisors, who shall proceed to cast up the votes and ascertain and state the number of votes cast for the constitution and the number cast against the constitution, and also the number of votes cast for each candidate voted for for any office, and shall forthwith forward to the State board of supervisors, duly certified by them, one copy of the statement or abstracts of the votes so made out by them, retain one copy in their possession, and file one copy in the office of the county clerk, where they shall also deposit for safe-keeping the ballots, sealed up, and one copy of the poll-books, retaining possession of the other copies.

SEC. 17. The State board of supervisors shall at once proceed, on receiving such returns from the county boards, to ascertain therefrom, and state the whole number of votes given for the constitution, and the whole number given against it; and if a majority of all votes cast be in favor of the constitution, they shall at once make public that fact by publication in two or more of the leading newspapers published in the city of Little Rock, and this constitution from that date shall be in force; and they shall also make out and file, in the office of the secretary of state, an abstract of all the votes cast for the constitution, and all the votes cast against it, and also an abstract of all the votes cast for every candidate voted for at the election, and file the same in the office of the secretary of state, showing the candidates elected. They shall also make out and certify, and lay before each house of the general assembly, a list of the members elected to that house; and shall also make out, certify, and deliver to the speaker of the house of representatives an abstract of all votes cast at the election, for any and all

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persons for the office of governor, secretary of state, treasurer of state, auditor of state, attorney-general, and commissioner of State lands, and the said speaker shall cast up the votes and announce the names of the persons elected to these offices. The governor, secretary of state, treasurer of state, auditor of state, attorney-general, and commissioner of State lands chosen at said election shall qualify and enter upon the discharge of the duties of their respective offices within fifteen days after the announcement of their election as aforesaid.

SEC. 18. All officers shown to be elected by the abstract of said election filed by the State board of supervisors in the office of the secretary of state, required by this constitution to be commissioned, shall be commissioned by the governor.

SEC. 19. At said election the qualified voters of each county and senatorial district, as defined in article eight of this constitution, shall elect, respectively, representatives and senators according to the numbers and apportionment contained in said article. The board of election supervisors of each county shall furnish certificates of election to the person or persons elected to the house of representatives as soon as practicable after the result of the election has been ascertained; and such board of election supervisors in each county shall make a correct return of the election for senator or senators to the board of election supervisors of the county first named in the senatorial apportionment, and said board shall furnish certificates of election to the person or persons elected as senator or senators in said senatorial district as soon as practicable.

SEC. 20. All officers elected under this constitution, except the governor, secretary of state, auditor of state, treasurer, attorney-general, and commissioner of State lands, shall enter upon the duties of their several offices when they shall have been declared duly elected by said State board of supervisors, and shall have duly qualified. All such officers shall qualify and enter upon the duties of their offices within fifteen days after they have been duly notified of their election.

SEC. 21. Upon the qualification of the officers elected at said election the present incumbents of the offices for which the election is held shall vacate the same and turn over to the officers thus elected and qualified, all books, papers, records, moneys, and documents belonging or pertaining to said offices by them respectively held.

SEC. 22. The first session of the general assembly under this constitution shall commence on the first Tuesday after the second Monday in November, 1874.

SEC. 23. The county courts provided for in this constitution shall be regarded in law as a continuation of the boards of supervisors now existing by law, and the circuit courts shall be regarded in law as continuations of the criminal courts wherever the same may have existed in their respective counties; and the probate courts shall be regarded as continuations of the circuit courts for the business within the jurisdiction of such probate courts, and the papers and records pertaining to said courts and jurisdictions shall be transferred accordingly; and no suit or prosecution of any kind shall abate because of any change made in this constitution.

SEC. 24. All officers now in office, whose offices are not abolished by this convention, shall continue in office and discharge the duties imposed on them by law, until their successors are elected and qualified under this constitution. The office of commissioner of State lands shall be continued: *Provided*, That the general assembly at its next session may abolish or continue the same in such manner as may be prescribed by law.

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SEC. 25. Any election-officer, appointed under the provisions of this schedule, who shall fraudulently and corruptly permit any person to vote illegally or refuse the vote of any qualified elector, or cast up or make a false return of said election, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than five years nor more than ten years. And any person who shall vote when not a qualified elector, or vote more than once, or bribe any one to vote contrary to his wishes, or intimidate or prevent any elector by threats, menace, or promises from voting, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

SEC. 26. All officers elected at the election provided for in this schedule shall hold their offices for the respective periods provided for in the foregoing constitution, and until their successors are elected and qualified. The first general elections after the ratification of this constitution shall be held on the first Monday of September, A. D. 1876. Nothing in this constitution and the schedule thereto shall be so construed as to prevent the election of Congressmen at the time as now prescribed by law.

SEC. 27. The sum of five thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to defray the expenses of the election provided for in this schedule, and the auditor of state shall draw his warrants on the treasurer for such expense, not exceeding said amount, on the certificate of the State board of supervisors of election.

SEC. 28. For the period of two years from the adoption of this constitution, and until otherwise provided by law, the respective officers herein enumerated shall receive for their services the following salaries per annum:

For governor, the sum of	$3,500
For secretary of state, the sum of	2,000
For treasurer, the sum of	2,500
For auditor, the sum of	2,500
For attorney-general, the sum of	2,000
For commissioner of State lands, the sum of	2,000
For judges of supreme court, each, the sum of	3,500
For judges of circuit and chancery courts, each, the sum of	2,500
For prosecuting attorneys, each, the sum of	400

For members of the general assembly, the sum of $6 per day, and 20 cents per mile for each mile traveled in going to and returning from the seat of government, over the most direct and practicable route.

G. D. ROYSTON, *President.*

Attest:

THOS. W. NEWTON, *Secretary.*

ADDRESS TO THE PEOPLE OF THE STATE.

FELLOW-CITIZENS: Your delegates in convention assembled to frame a constitution for the State of Arkansas, now submit the result of their labors for your approval.

We commend to your favorable consideration the constitution accompanying this address, as the fruits of the united efforts and untiring

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labor of a truly representative body, whose interests are identified with those of the people of the entire State.

An examination of this constitution will show its distinguishing features—as compared with the constitution of 1868—to consist in submitting the election of all officers of the government to the popular vote; in diminishing the number of offices to such number as is necessary to an economical and successful administration of the government; in limiting the rate of taxation by the legislature on the assessed value of all property; in protecting the public credit, by expressly prohibiting the legislature from contracting any debt, save for certain specified purposes; and in prohibiting all local and special legislation.

It is believed the main corrective of the abuses, which we have for several years past sustained, will be found in that feature of the constitution which submits all elections of civil officers to the people, thereby depriving the executive department of the State of the power of appointment. The necessity of free and fair elections, uncontrolled by partisan appliances, has long been felt by our people. The abuse of this right—so long held inviolable—has stifled the popular voice, given the reins of government to a faction, reduced our people to bankruptcy and impoverishment, inaugurated intestine feuds and revolutions, and disgraced our State.

The new constitution is framed with a view of correcting these abuses by keeping, as nearly as may be, all power in the hands of the people, and holding their agents in office directly responsible to them—the chief end and aim of all popular representative government. It is liberal in its provisions, and challenges the admiration and support alike of democrats and republicans, who are not biased by party feeling. It gives equal rights to all, regardless of race, or color, or previous condition of servitude.

With provisions so liberal, with features so well calculated to correct the abuses of the past, and being the work of delegates chosen by a popular vote so large and overwhelming, it is not surprising that the enemies of the new constitution should despair of defeating it by an appeal to the people at the coming election upon its ratification or rejection. We have every reason to believe that, if the new constitution is ratified by the popular vote, and the government under it inaugurated, the present numerous and gross abuses, as the result of misrule, will give way; the angry feeling which has been engendered between the members of the two political parties by restless office-seekers and disturbers of the peace will gradually disappear, and our State will assume that honorable position in the confederacy of States for which nature has so eminently endowed her.

On the contrary, if this constitution should be defeated or set aside, we can no longer have reasonable grounds of hope for a restoration of local self-government in Arkansas, and we forbear to contemplate the scenes which a defeat or failure would entail upon a people, already bowed to the earth with suffering and sorrow.

In conclusion, we ask all, regardless of party, who are tired of strife, and long for a permanent restoration of peace, to unite in supporting the new constitution, that we may have in its behalf the moral effect of the largest popular majority that is possible of attainment under the circumstances. And we urge most earnestly each and every one to go forward, peacefully but resolutely, to the discharge of his duty in giving the State this organic law, regardless of all promises, all overtures, and all threats from those who, under the guise of friendship, seek only to complete your ruin. This opportunity lost, you and your State are lost;

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but improved and availed of, you and your State are saved, with every promise of a future of peace and of prosperity.

H. M. RECTOR,
R. K. GARLAND,
J. W. BUTLER,
S. P. HUGHES,
BRADLEY BUNCH,
Committee.

LITTLE ROCK, ARK., *November* 12, 1874.

ELISHA BAXTER sworn and examined.

By Mr. McCLURE:

Question. State what official position, if any, you now hold.—Answer. I have, until a very recent date, held the position of governor of the State of Arkansas. There is a question, real or pretended, to be raised by parties in the State, that the constitutional convention which has resulted in bringing Mr. Garland to the gubernatorial chair was illegal and unconstitutional. If that should prove to be so, I am governor of the State of Arkansas; otherwise, I am not, and I hold no official position.

Q. Still, I insist on an answer to the question.—A. That is the only answer I have to give.

Q. At what time did you terminate your connection with the executive office of the State?—A. In the manner described this moment. Mr. Garland took charge of the gubernatorial office this morning, at 9 o'clock.

Q. When were you elected governor?—A. On the 5th of November, 1872, if I recollect correctly.

Q. For what term?—A. Four years.

Q. Has that term expired?—A. No, sir.

Q. Did I understand you to say that you ceased to perform the functions of governor this morning?—A. No, sir. I said that Mr. Garland took possession of the governor's office this morning, in the belief that he was governor of the State.

Q. What did you say to him?—A. I do not recollect that I said anything particular.

Q. You yielded possession quietly?—A. I went with him to the office, believing, as I do, that the constitutional convention, and all that preceded it and followed it, were legal. But I state here, very distinctly, that in the event it shall be decided that Mr. Garland is not the governor of the State of Arkansas, I am.

Q. You have, then, voluntarily surrendered the office to him, and he has taken possession?—A. Mr. Garland has possession of the office.

Q. You entered no protest whatever?—A. Except in manner as now stated.

Q. Did you send in a message to the legislature that organized yesterday?—A. I did.

A. H. GARLAND sworn and examined.

By Mr. McCLURE:

Question. What official position, if any, do you now hold?—Answer. I am governor of the State of Arkansas.

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Q. When did you qualify as such?—A. About nine o'clock this morning.

Q. When were you elected?—A. On the 13th of October last.

Q. Under what circumstances?—A. At a general election held in the State of Arkansas, by virtue of the new constitution, which was made by the convention that sat last summer in the city of Little Rock.

Q. Are you in possession of the office now?—A. Yes.

Q. Did you accquire it peaceably?—A. I did.

Q. There was no resistance or protest by Governor Baxter?—A. There was no resistance or protest.

The foregoing is a correct transcript of the testimony of Elisha Baxter and A. H. Garland, before the select committee of the United States House of Representatives.

HENRY G. HAYES,
Official Stenographer.

LITTLE ROCK, *November* 12, 1874.

[The Herald.—Extra.]

JAMES H. SPARKS, *Editor.*

Terms: One copy, one year, in advance, $2.50; single copies, 10 cents.

FORT SMITH, *Tuesday, Nov.* 17, 1874.

78,000 against 24,000.

Trouble again! Baxter out! Garland in! Baxter's lieutenant-governor, V. V. Smith, proclaims himself governor.

78,000 people say that

GARLAND IS GOVERNOR!

It now remains for that 78,000 people to sustain Garland and the free voice of the people.

Let the people be true to themselves. Let them come up like men, if needs be, and stand by their colors. The Garland government is the people's government. Baxter, his lieutenant-governor, V. V. Smith, and their Bourbon allies must be suppressed. If it be war, let it be war to the knife, and the knife to hilt, if they force us to it, in defense of the new constitution, and the officers elected under it. Now is the time; and if Garland will have

V. V. SMITH

and his followers arrested, tried by drum-head court-martial and shot; that done, go for

CLAYTON, DORSEY,

and their abettors, then we will be rid of the great curse, and Arkansas will be free.

Stand true to the new constitution, to Garland, and to the whole State ticket elected under it.

WE MUST BE FREE!—*Sic semper tyrannis!*

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[From the Lonoke, Ark., Democrat, of January 18, 1875.]

EDITOR DEMOCRAT: In the issue of the 13th instant, of the Little Rock Republican, I noticed a card signed by a number of Union soldiers, in which, among other things, the following sentence appears: "We carry our lives in our hands now as we did ten years ago." Among the names appended I find my own, and in your last issue appears an editorial referring to my signature to that card. In reply I have this to say: If ever I signed a statement that I carried my life in my hand, I did so without knowing the contents. And in justice to the citizens of Prairie and Lonoke Counties, with whom I have associated for the past eight years, I take this occasion to state that in all my private and official intercourse with them I have always been treated with proper respect, and have never had any reason to believe that my life was in any danger, and if there has ever been any threat of violence made toward me it never reached my ears, and I am free to state that I consider my life as secure under the present government as it could be under any government.

J. M. McCLINTOCK.

Captain McClintock was a Union officer, (captain;) he has been sheriff of Lonoke County for years, and is yet. He is probably the most prominent man whose name appears on the list (of two hundred or three hundred Union soldiers) presented to the Senate by Mr. Clayton a short time since. Numbers of others have repudiated the paper.

[From the Fort Smith Herald.]

FORT SMITH, ARK., *January* 26, 1875.

EDITOR HERALD: I notice in the Herald of 23d instant, my name signed to an instrument indorsing the action of General Sheridan in New Orleans, and approving his statements regarding the condition of Louisiana, Mississippi, and Arkansas.

I did not sign the instrument nor did I authorize any one to sign for me; and I am authorized by William H. Douglass and my brother, T. H. Yaden, to say the same for them. That, while we are republicans, we cannot indorse what we know to be a falsehood, as far as Arkansas s concerned; and we would say further that we never knew the coun- ry to be as peaceful as it is at present, nor the laws to be better obeyed and enforced.

J. C. YADEN.

Attest: ED. McKENNA.

LITTLE ROCK, *February* 3, 1875.

Messrs. LOWE & ARCHER, *Washington, D. C.:*

The affair telegraphed from Pine Bluff was an individual drunken frolic, and the militia had nothing to do with it.

Writs have been issued for the parties, and the sheriff with a posse in search of them, and when arrested they will be dealt with to the utmost of the law.

It is simply the act of two drunken men, and no politics or militia about it.

GARLAND.

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[From the Washington Republican, February 2, 1875.]

OUTRAGES BY THE GARLAND MILITIA—REPUBLICAN OFFICIALS ASSAULTED AND FIRED UPON.

[Special to the Republican.]

PINE BLUFF, ARK., *January* 31.

On the 27th instant, the passenger-train was fired into at Medford station. Crowell, the United States mail-agent, was assaulted, and the engineer, Mallory, was deliberately shot at. William McCue, a passenger and cotton-agent from New Orleans, was mistaken for republican State Senator Haycock, from Jefferson County, and assaulted, cursed, and shot at by the officers of the Garland militia, and forced to run to save his life. No pretext was given for these outrages. No civil officer was present, no papers shown for authority, and no arrests have been made or any effort to punish the offenders.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 26.

LETTER

FROM

THE SECRETARY OF WAR,

ACCOMPANYING

Copies of papers relating to the military reservation at Point San José, California.

FEBRUARY 12, 1875.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, February 10, 1875.

SIR: Referring to the report of the Senate Committee on Military Affairs, (No. 114, 42d Congress, 2d session,) to whom was referred a bill entitled "A bill for the relief of the former occupants of the present military reservation at Point San José, in the city and county of San Francisco," and to Senate bill No. 1192, 43d Congress, 2d session, same title, I have the honor to inclose copies of papers, containing reports on the subject of this claim, and showing the adverse action of this Department thereon.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The PRESIDENT
of the United States Senate.

NEW YORK, *January* 8, 1866.

SIR: The undersigned respectfully states that she is seized in fee-simple absolute and possessed of all that part of that certain tract of land known as Black Point, or Point San José, situate, lying, and being in the city and county of San Francisco, State of California, which is more particularly bounded and described as follows: Commencing at a point distant 37 feet southerly from the intersection of the west line of Van Ness avenue with the south line of Tonquin street, 393 feet 9 inches, to its intersection with the south line of Lewis street; thence westerly along said line of Lewis street 1,347 feet 3 inches, to the easterly line of Octavia street; thence south and along the easterly line of Octavia street 393 feet 9 inches; thence easterly and parallel with said northerly line of Tonquin street 1,347 feet 3 inches to the westerly line of Van Ness avenue and point of commencement; comprising lots known on the official map of said city as the whole of blocks 107, 108, and 178, and parts of blocks 106, 109, and 177 of the western addition, and also the streets running between these blocks, to wit, Franklin, Gough, and Tonquin streets.

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That there were upon said premises various substantial and valuable improvements, consisting of a very comfortable and well-arranged dwelling-house, with stables, and the other usual and necessary outbuildings, and the grounds not occupied by said buildings were laid out in walks, and ornamented and embellished with flowers and ornamental shrubbery, and the whole was for several years occupied and enjoyed as a family residence of very uncommon beauty and attractiveness, having extensive and varied prospects, a situation healthy and convenient to the business portion of the city of San Francisco, and altogether presenting advantages and features peculiar to itself, distinguishing it from other places of residence in said city, and rendering it one of the most beautiful and desirable residences on the continent.

That while so possessed, and in the actual enjoyment of said property, and on or about the 12th day of October, 1863, Lieutenant Appleton, of Company H, Ninth Infantry, with his company, took possession of the same, under color of an order, of which the following is a copy:

HEADQUARTERS PRESIDIO, SAN FRANCISCO,
California, October 10, 1863.

[Special Orders No. 103.]

I. In compliance with Special Order No. 230, Headquarters Department of the Pacific, Lieutenant Appleton, with Company H, Ninth Infantry, will proceed to San José Point, and there encamp on and hold military possession of such land as Colonel De Russy, United States Engineers, may designate.

The regimental quartermaster Ninth Infantry will furnish the necessary transportation.

By order of Major Bowman.

C. D. EMORY,
First Lieutenant and Adjutant Ninth Infantry.

The undersigned is informed that the special order referred to in the above order was issued by Brig. Gen. George Wright, commanding the Department of the Pacific, in pursuance of special instructions from the Secretary of War, dated October 2, 1863, and communicated by telegraph, whereby General Wright was instructed to take military possession of Point San José, and erect the battery proposed for its defense.

The Department of the Pacific have, in accordance with said orders, caused fortifications and the necessary barracks for the accommodation of the military establishment to be erected on the premises described, and in doing so have removed and carried away the dwelling-house and other buildings formerly thereon, and utterly destroyed said real estate as formerly used and occupied, and are now, and have been, since the 12th day of October, 1863, in the possession of all of said premises.

The undersigned is also informed that the Government considers it essential that Point San José shall be fortified so as to complete the inner defenses of the harbor of San Francisco, and that in consequence they intend to maintain said fortifications permanently, and also establish the permanent headquarters of the Department of the Pacific thereon.

If such is the intention of the Government, then the undersigned respectfully requests that immediate steps be taken for the purchase of the above-described property by the Government; and if such is not their intention, then she requests that said property be immediately restored to her possession, and she be paid for the damages caused by its occupation as aforesaid.

With respect to the value of the property, in case the Government determines to purchase it, the undersigned respectfully represents that for any other purpose than for the Government occupation she would entirely refuse to sell the same, she designing to hold it as an estate for

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her children, in view of the certain great increase in its value by reason of its advantageous position in the limits of the city of San Francisco.

For these reasons she would prefer an arrangement whereby the Government would compensate her for the past occupation and damage thereto, and pay her a fixed yearly rent for such term of years as the Government might be willing to determine. But in the event that it is determined to purchase, she will sell the property to the Government for the sum of two hundred and fifty thousand dollars in cash, which sum includes the value of the improvements which were thereon when the Government took possession, together with what she would be entitled to for the use and occupation of the same.

Respectfully,

JESSIE BENTON FRÉMONT.

Hon. E. M. STANTON,
Secretary of War.

[1st indorsement.]

Referred to the Chief of Engineers for report.

EDWIN M. STANTON,
Secretary of War.

JANUARY 11, 1866.

[2d indorsement.]

ENGINEER DEPARTMENT,
Washington, January 19, 1866.

Respectfully returned to the Hon. Secretary of War, with the report that this Department does not regard the occupation of the Point known as San José or Black Point, with a view of constructing permanent works there, as either necessary or, to any considerable extent, conducive to the security of the city of San Francisco against any species of attack, foreign or domestic.

It is therefore recommended that any and all property on that point, now occupied by the military authorities for purposes of defense, be restored to the owners thereof with as little delay as practicable.

That point lies within, and at no distant day will be far within, the city limits; and an enemy's fleet, by the time it should come within reach of batteries located there, could effect a vast destruction of property, which it should be the object of defensive works to protect. A perfect defense against a naval attack on San Francisco, requires that there shall be no position in the harbor, within cannon-range of the city, where a hostile fleet can lay without being under the fire of batteries able to destroy it; and this condition can be as thoroughly improved without the occupation of Point San José as with it. A point on the Government reserve, about one mile to the westward, or below San José, possesses all the essential advantages of the latter place for defense, without involving the Government in any expense for purchase of site.

RICHARD DELAFIELD,
Bvt. Major-General and Chief of Engineers, U. S. A.

[3d indorsement.]

Referred to the Adjutant-General, with directions to call for a report from Major-General Halleck, commanding military Division of the Pacific.

By order of the Secretary of War.

THOS. T. ECKERT,
Acting Assistant Secretary of War.

WAR DEPARTMENT, *January* 26, 1866.

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[4th indorsement.]

Respectfully referred to Major-General Halleck, commanding military Division of the Pacific, for report.

By order of the Secretary of War.

W. A. NICHOLS,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *January* 27, 1866.

[5th indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, March 23, 1866.

Respectfully referred to Major-General McDowell, commanding Department of California, for report.

By order of Major-General Halleck.

ROBERT N. SCOTT,
Assistant Adjutant-General.

[6th indorsement.]

Respectfully returned to the Secretary of War with report.

W. A. NICHOLS,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *May* 5, 1866.

HEADQUARTERS DEPARMENT OF CALIFORNIA,
San Francisco, Cal., April 6, 1866.

SIR: I have attentively considered the subject of Mrs. Frémont's application, and the indorsement thereon of General Delafield, referred to me for report on the 25th ultimo.

I differ so radically from the distinguished Chief of Engineer Corps, with whom I was so long intimately associated, and with whom I have almost always agreed, that I am forced to believe his opinion has been formed on a more partial knowledge of the subject than my position has enabled me to have, and in entire ignorance of some important facts bearing thereon.

General Delafield says he "does not regard Point San José as either necessary, or to any considerable extent conducive to the security of the city of San Francisco" against any species of attack, foreign or domestic.

In this opinion I think of all military officers, foreign or domestic, naval or military, commanding generals or engineers, who have seen the ground or given it a study, he stands alone.

The present able young officer of engineers, Captain Elliot, who has (temporarily) charge of the fortifications, his predecessors in charge, the former chief engineer, the various commanders of departments back to before California was part of the United States, the distinguished joint board of naval and engineer officers instituted for the purpose, and who gave the subject their attention on the ground, all thought very differently from the present head of the engineers.

Without going far into the question myself—for at this late day I hardly think it necessary—I can safely say that the arguments of the

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Chief Engineer against Point San José, will apply with equal if not greater force to the occupation of the "key of the Pacific," Alcatraz; for ships coming through the "Golden Gate" and making for the city, come under the fire of the batteries of Point San José nearly a half mile before they do under those of the island.

The general says a "perfect defense against a naval attack can be as thoroughly imposed without the occupation of San José as with it; a point on the Government reserve, about one mile to the westward or below San José, possesses all the essential advantages of the latter place for defense, without involving the Government in any expense for purchase of site."

In this, as a matter of fact as well as one of opinion, he is certainly mistaken.

The promontory of Point San José stands jutting out from the main land toward the north like a huge bastion, with the western face and flank looking toward the "Golden Gate," and the eastern face and flank toward Alcatraz and the north point of the city front.

From the promontory the high land sweeps in a great curve to the south and west around to Presidio and the promontory of Fort Point.

In the bight of this curve, the land next to the bay is made up of swamp-marsh and shifting sands. Undoubtedly it is within the range of engineering skill to erect permanent works on the site, but as they would be a *fleur d'eau*, they would have to be casement works, with costly magazines, whereas the batteries and magazines cut in the face of the promontory of San José and sunk in the hill are now of the best class of permanent works, and that at a cost tenfold less than any substitute that could be made on the swamp-marsh and sand hills below. They occupy, together with Alcatraz, with respect to San Francisco, the relative position and character of the second line of works in New York Harbor, at Fort Hamilton and Staten Island.

The general speaks of works on the flat as involving no expense for purchase of site, as he evidently thinks would be the case at Point San José.

Here, I suspect, lies the whole question, and here, I am sure, he will be found to be doubly at fault.

The prominent point on the flat, about a mile west of Point San José, is nearly evenly divided by the north and south line, forming the eastern boundary of the Presidio and Fort Point reserve. Part of this site is, therefore, incontestably on private ground, and is now occupied with buildings. To acquire it would certainly involve expense. On the other hand, Point San José is and has been from the beginning public land.

If the Government has any reserve at all, either at Fort Point, at Alcatraz, or at Angel Island, on which immense sums have been expended till they are the envy of every foreign admiral who comes into the port, then has it a reserve at Point San José, a fact of which the Chief Engineer does not seem to be aware.

As they seem to have been overlooked I send herewith (marked A and B) the communications containing the order of the President of November 6, 1850, and December 31, 1851, from which it will be seen that the reservation of Point San José is in the same category as those of Fort Point, Alcatraz, &c. I will also say what, however, is much better known to the division commander than myself, that the pretended Mexican grants, under which title was attempted to be set up by private parties to all the reserves on the South Mainland Presidio, Fort Point, and Point San José, have been rejected by the United States courts; that the consent of Congress, given by the act of July

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1, 1864, to what is known as the "Van Ness ordinance," granting to persons in possession the lands they occupied, expressly excepted those reservations; that the decision of the circuit court of the United States for this district, in what is known as the "Pueblo of San Francisco case," (which has been sanctioned by a law of this present Congress,) made the same exception. I know it is the opinion of the highest legal and judicial authority in the country that the title of the United States to the reserve at this place is beyond a doubt.

When, in 1863, the War Department ordered Point San José to be taken and fortified, and the squatters and their assigns attempted, by writ of injunction, to prevent it, the circuit court decided against them, and my predecessor and the senior engineer occupied and fortified it, and now, when the Government has taken, reserved, occupied, and fortified this commanding and cardinal point, and has expended in batteries, magazines, barracks, and store-houses, &c., a large sum of money, and has the place in a condition for immediate and most effective service. I cannot concur in the recommendations of General Delafield that it all be abandoned to those who have wronged the Government, and now ask compensation at its hands for what never belonged to them, and, in lieu of what is thus proposed to be thrown away, go and erect costly works on a place only part of which belongs to us.

The files of my headquarters show that the place of San José was reserved by the United States military authorities in 1847, while it yet formed part of Mexico; that it was formally reserved by the President in 1850 and 1851, and that those who seized it did so knowing it was land reserved for public purposes.

The single officer of artillery, who alone had to represent the General Government, with a small squad of men, attempted in vain to protect the public interests. He personally threw down the tents and huts of the squatters and pulled up their stakes, but the Government at Washington, if it then had long arms, had very feeble ones; and before the war not only States but individuals defied it. Combinations of land-grabbers and land-jumpers sent and so harassed this officer that he wrote in despair "that he could not protect the Government property;" and in one of his letters reports "they had seized on Point San José, and had it in complete possession."

This point having been, as before stated, and as shown by the papers herewith, reserved for public purposes, comes now under the act of June 12, 1857, passed after the "Fort Snelling case," and cannot be, as the Chief Engineer proposes, given over to private parties.

Respectfully submitted.

IRVIN McDOWELL,
Major-General, Commanding Department.

Lieut. Col. R. N. SCOTT,
Asst. Adj. Gen., Headquarters Military Division of the Pacific, San Francisco, Cal.

The President of the United States exempts and reserves from sale, for public purposes, the following tracts or parcels of land in the State of California:

In the bay of San Francisco, California.

1. From a point 800 yards south of Point José to the southern boundary of the Presidio, along the southern boundary to its western extremity, and thence in a straight line to the Pacific Ocean, passing by

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the southern extremity of a pond that has its outlet into the channel between Fort Point and Point Lobos.

2. From the southern boundary of San Solito Bay a line parallel to the channel of entrance to the Pacific.

3. Yerba Buena Island.

4. Alcatraz Island.

5. Angel Island.

On the eastern side of the bay of San Pueblo.

6. Mare Island.

7. The line on the eastern side of Mare Island Straits, beginning at the high hills between those straits and the city of Benicia, about 2,000 to 2,500 yards from the former, and extending in a line nearly parallel to it to a point opposite the northern extremity of Mare Island, and thence to the straits, so as to join them at a point about 800 yards north of the northernmost high hills on the eastern side of the straits.

MILLARD FILLMORE.

WASHINGTON, *November* 6, 1850.

The reservation including Fort Point, Point José, and the Presidio at the entrance of the harbor of San Francisco, Cal., made by an order dated November 6, 1850, is hereby modified and reduced so as to embrace only the following-described two tracts of land, viz:

1. The promontory of Point José within boundaries not less than eight hundred yards from its northern extremity.

2. The Presidio tract and Fort Point, embracing all the land north of a line running in a westerly direction from the southeastern corner of the Presidio tract to the southern extremity of a pond lying between Fort Point and Point Lobos, and passing through the middle of said pond and its outlet to the channel of entrance from the ocean.

MILLARD FILLMORE.

EXECUTIVE MANSION,
Washington, December 31, 1851.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., April 9, 1866.

GENERAL: In compliance with the order of the Secretary of War, I have examined the inclosed claim of Jessie Benton Frémont, with indorsement of the Chief Engineer, and return it herewith; and also the report of Major-General McDowell, in which I full concur, and at the same time dissent from the opinion of General De afield. To the act stated by General McDowell, I beg leave to add some which are within my own knowledge, but which were probably unknown to him.

The defense of the bay of San Francisco occupied the attention of the Spanish and Mexican governments at a very early period, and Fort Point, (then called Point San Joaquin,) Point San José, the islands, and Point Cavallo, were designated by them as the most proper places for fortifications.

When the Russians made a settlement at Bodega, thus threatening the Spanish-Mexican establishments at San Francisco and Sonoma, the governor of California was directed to concentrate his military forces on this bay, and to fortify Point San Joaquin and Point San José, as the most advantageous positions for the defense of the harbor. These facts have been derived from the old Spanish archives.

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About the month of February, 1847, General Kearney, by direction of Mr. Marcy, then Secretary of War, appointed a board of engineer officers to make a reconnaissance of this harbor and to select the points to be permanently fortified for its defense. The undersigned was a member of that board, which, before reporting, consulted freely with the late Admiral Du Pont, Commodore Mervine, Commodore Montgomery, and other naval officers then serving on this coast. All were unanimously of the opinion that Point San José was indispensable to a proper system of harbor defenses. It is, perhaps, worth mentioning that this board selected, although then ignorant of the fact, precisely the same points as had been previously designated by the Spanish and Mexican authorities for the same purpose. Indeed, the natural features of the land are such as to afford scarcely any opportunity for a difference of opinion. In the spring or summer of 1847, the late Capt. W. H. Warner marked off and surveyed a military reserve including Point San José, the presidio, and Fort Point, which was held and occupied by the United States troops during the war.

After the declaration of peace and the cession of California to the United States, land-claimants and squatters complained that the military reserve laid off by Captain Warner included more land than was necessary for military purposes, or had been occupied by the Spanish and Mexican authorities, and the small garrison at the presidio either could not, or neglected to, prevent their encroachments upon this reserve. Under these circumstances, the undersigned, in the early part of 1850, was directed by General Riley to examine the ground with the joint board of six military and naval officers appointed by the President for the coast of Oregon and California. That board was unanimously of the opinion that Point San José should be fortified as a part of the harbor defenses. It assented, however, to the reduction of the reserve marked out by Captain Warner, and designated the two reserves nearly as described in the modified reservation made by President Fillmore on the 31st of December, 1851.

In the winter of 1860 and 1861 the undersigned accompanied the late Chief Engineer in his examination of the defensive points for this harbor, and General Totten then was of the opinion that Point San José was an essential point in the proposed system of fortifications.

During the war of the rebellion, in 1862 or 1863, some question arose here in regard to the establishment of batteries for the defense of this harbor, which was referred by the Secretary of War to a special board of engineers, Generals Barnard and Cullum being two of the members of that board. I now only refer to this from memory, but unless I am very much mistaken they reported unanimously in favor of fortifying Point San José.

Summary of remarks on the importance of Point San José.

1st. It was designated and selected as a point necessary for the defense of this harbor in very early times by the Spaniards, whose excellent judgment on this subject is thoroughly established in history.

2d. The first board of engineers (American) ever convened on the Pacific, although ignorant of the facts, made precisely the same selection as the Spanish engineers.

3d. The joint board of military and naval officers, appointed by the President of the United States, unanimously concurred in the selection.

4th. The late Chief Engineer, General Totten, after a personal examination, concurred with them in regard to the importance of this point.

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5th. A special board of engineers convened in Washington on this subject, reported in favor of fortifying this point.

6th. Every engineer, army and naval officer, who has visited this harbor and whose opinion I have heard, considers this point as important to its defense.

Summary of remarks on the title of the United States to this point.

1st. This point was selected and occupied by the Spanish and Mexican governments as a military position long before the conquest by the United States.

2d. It, therefore, was not subject to grant in private property by either of those governments, and the United States, as their successor, acquired all their rights.

3d. It was designated and held as a military reserve by the United States during the military occupation of California and prior to its cession.

4th. The only private grant which covered this point, but from which it was excepted in general terms, has been rejected by the United States courts as fraudulent.

5th. The city of San Francisco has never claimed that it had any title, legal or equitable, to the military reserves.

6th. The Point San José reservation was made in the same manner, and by the same authority, as that of the presidio, Fort Point, Alcatraz, Yerba Buena, and Angel Islands; and if the United States has no title to the one, they have no title to the others.

7th. When the present claimant, or those under whom she claims, squatted on this point it was well known that it had been designated and reserved by the Government for military purposes. They were mere naked trespassers, without color of title.

8th. No act of Congress, or of the State legislature, or city ordinance, or decision of the courts, have confirmed to squatters on the Government reserves any right or title to the land so squatted on.

For the foregoing and other reasons, I am compelled to dissent from the opinion of General Delafield, both in regard to the importance of Point San José as a military site, and to the propriety of surrendering it to the claimants.

As I understand the law it is the duty of the executive department of the Government and its officers to guard and protect *all* public property, and that they can neither sell, abandon, nor give it away without a law of Congress authorizing such disposition of it.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General Commanding.

Brig. Gen. E. D. TOWNSEND,
Asst. Adjt. Gen. of the Army, Washington, D. C.

No. 55 LIBERTY STREET, NEW YORK,
May 29, 1866.

SIR: In January last, I presented you a claim of Mrs. General Frémont for the taking and occupation of certain property of hers in San Francisco, Cal., by the United States military authorities, with an offer to sell the same to the Government. The matter was referred to General Delafield, and his report was forwarded to the Department of the

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Pacific in the latter part of January for a report from that Department. Over a month ago, you telegraphed at my request to General Halleck to send on his report forthwith. Since then I have heard nothing about the matter. Will you please inform me if any report has been received from California? for in case it has, I desire to confer with you further on the subject, and will immediately go to Washington for that purpose.

Yours, respectfully,

JAS. CLINTON BOLTON.

Hon. E. M. STANTON,
Secretary of War.

WAR DEPARTMENT, WASHINGTON CITY,
June 12, 1866.

SIR: The Secretary of War directs me to state in reply to your letter of inquiry, with regard to Mrs. Frémont's claim for compensation for the occupancy by the Government of certain property in San Francisco, that Major-General Halleck has reported that the property in question belongs to the Government, and is required for public purposes, and that Mrs. Frémont has no right or title to it, and no just claim for its use.

I am, sir, your obedient servant,

E. M. STANTON.

JAMES CLINTON BOLTON, Esq.,
New York.

WAR DEPARTMENT, *June* 6, 1866.

GENERAL: In reply to Mrs. Jessie B. Frémont's application, dated January 8, 1866, for the restoration of Point San José, Cal., and for damages caused by its occupation by the Government, I am instructed by the Secretary of War to communicate that said property is required for the use of the Government, and the title to it is denied by the officers to whom the claim was submitted for investigation.

Very respectfully, your obedient servant,

L. H. P., *Assistant Adjutant-General.*

General JOHN C. FRÉMONT,
New York City.

NEW YORK, *December* 19, 1867.

GENERAL: In the latter part of 1863 the military authorities at San Francisco, by order of Mr. Stanton, forcibly took possession of certain property belonging to Mrs. Frémont, on the north water-front of that city, and consisting of blocks 107, 108, and 178, and part of blocks 106, 109, and 177, making in all about twelve acres.

This property was purchased and occupied by Mrs. Frémont in 1860, the property being then in the quiet and undisturbed possession of the former owners, who held under a title from the city of San Francisco.

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It was embraced in four leagues of land belonging to San Francisco as a pueblo, and the city's title to it had been fully confirmed by the United States courts under the act of Congress for the settlement of land-titles in California. Mrs. Frémont left San Francisco at the beginning of the war, after a year's residence on the place, which had been much improved by buildings and care of the grounds. From its position, which is sheltered from the winds, and the beauty of the views, it was held to be the most beautiful position for a residence in San Francisco, and was accordingly sought for from Mrs. Frémont, who left it furnished and rented. Under these circumstances the Government, as above stated, seized the premises. A writ of ejectment, issued by the State courts, was disregarded by the officer in command.

In the latter part of 1865, I made formal application to the War Department for the restitution of the property. In his reply, Mr. Stanton did not claim possession by virtue of any title in the United States, and admitted fully Mrs. Frémont's right to have the property returned or paid for, in the event it should be found necessary to the defense of the harbor, and, in order to reach a decision, promised to refer it to the Engineer Department and the commanding officer in California. This was accordingly done, and I learned that the Chief of the Engineer Department at Washington reported against the expediency of retaining these grounds in the permanent harbor-defenses.

Subsequently, I was informed by Mr. Stanton that General Halleck had reported in favor of including these in the fortifications, and, further, claimed title for the United States. Of this report Mr. Stanton declined to furnish me a copy; and I understand that the claim of the United States rests upon the ground that President Fillmore, in 1851–'52, directed the whole northern front of the city to be reserved for military use. Mr. Fillmore did this without the authority of Congress, or without any reference to that body, and his directions, so far as the property in question is concerned, were never acted upon until the seizure in 1863.

Upon the ground, now, that the original title of the city was perfect, that an order from Mr. Fillmore was insufficient to appropriate it to the public use, that its owner was loyal, that martial law did not exist there, but that, notwithstanding the order of the court was disregarded by the officer in command, and that we were illegally and violently ousted from possession by an order from the War Department, I ask, on the part of Mrs. Frémont, that, under the same authority, the Government troops be withdrawn, and she be re-instated in her former undisturbed possession of her property, and that reasonable compensation be made for its use and occupancy by the Government, leaving the question of damages for future decision.

Very respectfully, your obedient servant,

J. C. FRÉMONT.

His Excellency General GRANT,
Secretary of War.

[Indorsements on the foregoing letter.]

WAR DEPARTMENT, *December* 23, 1867.

Respectfully referred to the Chief of Engineers for the papers in this case.

By order of the Secretary of War *ad interim.*

JAS. A. HARDIE,
Inspector-General.

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HEADQUARTERS CORPS OF ENGINEERS,
Washington, January 17, 1868.

SIR: I have the honor to return herewith the letter of General John C. Frémont, referred to these headquarters on the 23d December, 1867, asking the restoration to Mrs. Frémont of certain property at San Francisco, Cal., taken by the Government in 1863, and, in accordance with the request indorsed thereon, to send the papers in the case, as per inclosed list.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General of Engineers, Commanding.

Hon. E. M. STANTON,
Secretary of War.

List of papers relating to the claim of Mrs. Jessie B. Frémont for restoration of property at San Francisco taken by the Government in 1863.—(*Sent to War Department with letter of Chief of Engineers January* 17, 1868.)

S. 5789. September 6, 1850. Bvt. Brig. Gen. J. G. Totten, colonel of engineers, calls attention to recommendations of joint commission of Army and Navy officers, and suggests that measures be at once taken to carry out the views of the commission by causing the surveys designated to be executed and reserving the public lands pointed out.

S. 5789. October 12, 1850. Bvt. Brig. Gen. J. G. Totten, colonel of engineers, brings to attention of Secretary of War recommendation of joint commission for reservation from sale of certain lands in California for military purposes.

S. 5789. November 6, 1850. Order of President Fillmore exempting and reserving the land for public purposes. (Copy.)

C. 5100. March 2, 1863. Commissioner of General Land-Office transmits, as requested, copies of papers relating to modified military reservation No. 1, California, viz: No. 1. December 29, 1851. Secretary of War submits to President of the United States, for consideration, draught of an order modifying and reducing reservation at Fort Point and Point San José, prepared in conformity with recommendation of Chief Engineer inclosed October 28, 1851. No. 2. December 31, 1851. Order of President Fillmore modifying the reserve. (Copy.) (With three sketches.)

G. 1868. October 2, 1863. Copy of General Halleck's telegram to General G. Wright, communicating the directions of the Secretary of War that he take military possession of Point San José, and erect battery proposed for its defense, and that question of ownership will be determined hereafter.

S. W. 4689. January 8, 1866. Mrs. Jessie B. Frémont offers to sell Point San José to the Government. (General Delafield's report indorsed to effect that Government does not need the property for defensive purposes, and recommending its restoration to owners.)

June 6, 1866. Copy of War Department letter to General J. C. Frémont, communicating, in reply to Mrs. Frémont's application of January 3, 1866, that said property is required for use of Government, and title to it denied by the officer to whom the claim was submitted.

S. W. 4804. June 9, 1866. Secretary of War returns papers in the case reported on by Chief Engineer January 19, 1866, and incloses reports of Generals Halleck and McDowell, with accompanying documents and a brief of the case, (six inclosures.)

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S. W. 4805. May 29, 1866. Letter of James Clinton Bolton to the Secretary of War. (Referred to Engineer Department for file with copy of War Department reply to Mr. Bolton, informing him that General Halleck has reported that the property belongs to the Government, is required for defensive purposes, and that Mrs. Frémont has no right or title to it.)

UNITED STATES SENATE CHAMBER,
Washington, February 1, 1868.

SIR: I am directed by the chairman of the Committee on Private Land-Claims of the United States Senate to refer the inclosed petition of Mrs. Frémont and the letter of the Secretary of War *ad interim* to you, with the request that you will furnish the committee with all the documents, or any information in possession of the War Department, relating to this case.

Please return the inclosed papers to the committee.

Very respectfully yours,

W. WILLIAMSON,
Clerk to Committee on Private Land-Claims,
United States Senate.

Hon. E. M. STANTON,
Secretary of War.

HEADQUARTERS CORPS OF ENGINEERS,
Washington, February 8, 1868.

SIR: The petition of Mrs. J. B. Frémont for restitution of certain property in San Francisco, Cal., and the letter of the Secretary of War *ad interim*, December 10, 1867, on the subject, both inclosed in the letter of the clerk to the Committee on Private Land-Claims, United States Senate, referred by you to these headquarters for report, have been received.

I have the honor to inform you that, in accordance with request from the War Department, indorsed on a letter of General J. C. Frémont, referred to these headquarters December 23, 1867, the papers in the case were sent with a letter to the Secretary of War, January 17, 1868.

The communication is returned herewith.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General of Engineers, Commanding.

Hon. E. M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, March 11, 1868.

SIR: In reply to the letter from the Committee on Private Land-Claims, respecting the petition of Mrs. Frémont for the restitution of property in California, claimed by her, I have the honor to inform you

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that the question of the title of said property being now before the United States Supreme Court, it is not deemed compatible with the public interest to furnish any information on the subject.

The papers inclosed in the letter are herewith returned as desired.

Very respectfully, your obedient servant,

E. M. STANTON.

Hon. GEO. H. WILLIAMS,
Chairman of the Committee on Private Land-Claims,
United States Senate.

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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 27.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A copy of a communication from Capt. J. B. Campbell, in relation to the illicit traffic in liquor in Alaska.

FEBRUARY 17, 1875.—Ordered to lie on the table and be printed.

WAR DEPARTMENT, *February* 15, 1875.

The Secretary of War has the honer to transmit to the United States Senate copy of communication from Capt. J. B. Campbell, commanding, Sitka, Alaska, in regard to the illicit traffic in liquor in Alaska, for consideration, in connection with letters of the 3d ultimo and 4th instant, relative to the arrest of John A. Carr, and the sale of liquor in Alaska. (See Senate Ex. Docs. 15 and 24.)

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS SITKA, ALASKA,
November 11, 1874.

SIR: Capt. B. Phillips, of the schooner Nelly Eads, reports to me that he was in Behring's Bay in May last, for trading purposes. That on the shore of the bay he found a whale-boat, covered with boughs and brush; the Indians claimed it as theirs. Says he learned from an Indian and his squaw that it came there with six white men in it; that four of them were murdered, and two got away from them. That while he was there the surveying schooner Youcon, Captain Harrandale, came in; that Captain H. told him he lost from a whaling brig he commanded in 1872, on this coast, a whale-boat and six men; that Captain H. was anxious the Indians should not know he had heard of this, for fear they would molest him; that Indians tried to prevent him (Captain P.) from communications with the Youcon. The tribal name of these Indians is Tacotats; thinks all are not badly disposed, but a few of the leading men. Says that captain of the Youcon told him he saw three canoes of Sitka Indians at Altona Bay; canoes full of liquor. Says the temper of Indians all along the upper coast is independent, bordering on hostile. At Chilcat, the chief, Clock-Work, said he did not want any "Boston men" (their name for Americans) there, but "King George men" English;) that they were the best, and that their goods were cheapest. Told the captain to tell the Yyee so at Sitka. At this place a renegade

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white, named Sullivan, who has married a squaw, lives. He is smart and unprincipled; makes a great deal of Hou-che-non, (liquor.)

Chilcat is the outlet of a large interior Indian population. The Chilcats go to Fort Simpson and Met-la-ca-ta with furs, and bring back blankets, woolens, cottons, fire-arms, and hardware in large quantities; they pay no duties, and the trade of Americans is stopped by the underselling of smuggled goods. The captain of the Eads says, as near as he can ascertain, about $15,000 worth of goods were taken up there from Fort Simpson and Missionary Duncan's post this season; also many canoe-loads last year. I have seen many British goods myself among the Sitkas that must have been smuggled in, for they cannot be had in this market, and there is nowhere else they could come from. It seems to me a cutter, or some other efficient police, should be established and maintained to prevent these frauds, and to keep the control of the valuable trade of the Indians in our own territory, and to make these people look to our Government as their authority and their rulers. I am now satisfied, the longer I am here, that Wrangel has been the center of much fraud and corruption and official inertness within the last year.

Captain Phillips has also been to Tougass and Clauook, [Klawac,] on Prince of Wales Island. Says most of the Sitkas are there this season; took cargoes of liquor, that they sold for $15 a gallon in some cases. Says they were teaching the Hydas and Clauooks how to distill.

The embargo I placed upon molasses traffic here has stopped the manufacture in this vicinity to a great extent; but at Fort Simpson and Metlacata they buy all the molasses they want and smuggle it to their country. This man Sullivan, at Chilcat, I hear, has had many hundred gallons brought him from the above-named places this year. I know the Sitka Indians bring liquor to their town, in canoes, daily. They occasionally sell it, in the woods, to soldiers.

I would like to be informed explicitly whether the Department Commander wishes me to search for and destroy liquor in the Indian town. They will resist such an operation, I am satisfied, and a state of hostility will ensue. I am abundantly able, with my force, to manage the Sitkas of this town and vicinity, but those Indians with their canoes could concentrate, in a very short time, all their outlying villages, and, by force of numbers, cut us off from our water-supply. The presence of a steam-cutter, to move from town to town, and to take and destroy canoes engaged in the liquor business, would do more good than all the troops that could be sent here. All Indian transportation, travel, and communication is done upon the sea and channels; their villages are all upon the shores, and an ability to reach their canoes gives a more powerful lever to influence them than any other method I can imagine.

Respectfully, your obedient servant,

J. B. CAMPBELL,
Captain Fourth Artillery, Commanding.

To the ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of the Columbia.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 9, 1875.

Official copy. Respectfully forwarded to the Assistant Adjutant-General, Headquarters Military Division of the Pacific.

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In this connection attention is respectfully invited to the several recommendations made by my predecessor in command of this department, dated February 24, April 10, and September 1, (annual report,) 1874; particularly that of February 24, 1874, for an armed steam-vessel in the waters of Alaska. The presence of such a small vessel there I deem a necessity, and I renew the recommendation.

I also invite attention to my remarks of November 19, 1874, in reference to the smuggling of liquors, &c., from British Columbia.

O. O. HOWARD,
Brigadier-General, Commanding.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 13, 1875.

Official copy:

E. D. TOWNSEND,
Adjutant-General.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In obedience to law, the report of the inspector of national cemeteries for the year 1874.

FEBRUARY 26, 1875.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *February* 24, 1875.

The Secretary of War has the honor to submit to the United States Senate and House of Representatives, in compliance with the act of February 22, 1867, the report of the inspector of national cemeteries for the year 1874.

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT,
Washington City, February 23, 1875.

SIR: I have the honor to submit herewith a report, in duplicate, of my inspections of the national cemeteries during the past year.

Numerous applications have been made for copies of this report. I think three hundred copies will be required for distribution by the War Department.

I am, general, very respectfully, your obedient servant,
OSCAR A. MACK,
Lieut. Colonel Twenty-first Infantry,
Inspector National Cemeteries.

Hon. W. W. BELKNAP,
Secretary of War.

MAINE.

WINTHROP-STREET CEMETERY, AUGUSTA,

contains a soldiers' lot. It is located on the summit of the hill, beyond the woods. It is a rectangular plat, 33 by 81 feet, and is raised

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about two feet above the drive in front and the walks along the side and ends. It contains sixty graves, all leveled and sodded; the turf on about two-thirds being very good; that on the remainder being poor. The graves are arranged in two parallel rows. The front row contains thirty-five graves, one of which is marked by a marble slab, the remainder by granite blocks, 4 by 6 inches in cross-section, and 7 inches above the ground, in which they are firmly planted. The second or rear row contains twenty-five graves, ten at one end and fifteen at the other, with a vacant space of about 20 feet between. These graves are marked by granite blocks similar to those in front row, but none of them bear either name or number. A small Union flag is at each grave. This lot has been greatly improved during the past year, and now looks very well.

FOREST CITY CEMETERY, ON CAPE ELIZABETH, NEAR PORTLAND.

There is a soldiers' lot in this cemetery. It is a rectangle of 54 feet front on main drive, and 90 feet deep. It is divided into three sections or plats. The front plat is 54 by 21 feet, and is raised about 3 feet above the drives and walks.

There are twenty-four graves in this plat, arranged in two parallel rows, although neither is full. The front row contains sixteen graves, one of which is marked by a marble slab. The rear row contains eight graves, two of which are marked by marble slabs. Small stakes or pegs are placed at the other graves, but bear no names nor numbers.

The graves are leveled and sodded, but the turf is poor; the grass is not cut, and weeds abound.

Small Union flags and withered wreaths show that the graves were visited on decoration day; otherwise the lots look neglected.

There is one grave in one of the rear sections, making twenty-five in all. The superintendent had a list of all of these interments, which are of known Union soldiers, and knew the position of each man's grave.

This cemetery is in a dilapidated condition, and seems to be very little cared for.

In the village cemetery at Eastport there is a small lot set apart for the burial of soldiers who may die at Fort Sullivan. This lot is kept in order by the garrison. Several Union soldiers are also buried in this cemetery with their friends.

This is also the case at Calais and some other places in the State.

Recapitulation for the State of Maine.

	Known.	Unknown.	Total.
Eastport	24	3	27
Calais	24	.....	24
Augusta, Winthrop-street Cemetery	42	18	60
Portland, Forest City Cemetery	25	.....	25
Other places officially reported	20	10	30
Total	135	31	166

NEW HAMPSHIRE.

There is no soldiers' lot in any cemetery in this State; at least none is officially reported; but Union soldiers are buried with their friends in several cemeteries.

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In the Old Cemetery at Concord ten unknown soldiers, who died in hospital, are reported as buried; and in the Pine Grove Cemetery, near Manchester, nine Union soldiers were buried in the potter's field.

It is a common practice to plant small Union flags on the graves of the soldiers on decoration day.

Quite a handsome monument, consisting of a granite base and pedestal, surmounted by a bronze statue, life-size, of a soldier on guard, has been placed in the public square at Keene, Cheshire County.

Recapitulation for New Hampshire.

	Known.	Unknown.	Total.
Concord, Old Cemetery	1	10	11
Manchester Valley Cemetery	59	.....	59
Manchester, Pine Grove Cemetery	18	.....	18
Portsmouth, Proprietors' Cemetery	55	.....	55
Portsmouth, Old Cemetery	7	.....	7
Other places officially reported	12	.....	12
Total	152	10	162

VERMONT.

PROSPECT HILL CEMETERY, BRATTLEBOROUGH.

The United States purchased a lot in this cemetery for $100. It is situated in the southwestern portion of the grounds, near the south entrance, and near the edge of the high bluff overlooking the Connecticut River. It is a rectangle, 50 by 30 feet, and is inclosed by a hemlock hedge, with a spruce tree in each corner. A graveled walk extends around the lot on the outside of the hedge and along three sides within the hedge.

There are eighteen graves, arranged in two parallel rows. The graves are leveled and well sodded, and the grass neatly cut. They are marked by head-boards, painted and lettered and in good order. This lot is in excellent order.

A rustic stand, holding a large basket of flowering plants, has been added this season, the gift of a lady.

In the Roman Catholic cemetery, Brattleborough, are buried two Union soldiers.

In the Green Mount Cemetery, at Montpelier, a small lot has been donated to the United States. Four Union soldiers are buried in it.

Recapitulation for the State of Vermont.

	Known.	Unknown.	Total.
Brattleborough, Prospect Hill Cemetery	18	.....	18
Brattleborough, Roman Catholic cemetry	2	.....	2
Montpelier, Green Mount Cemetery	4	.....	4
Total	24	.....	24

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MASSACHUSETTS.

The United States owns no cemeterial lot in this State.

The State has a lot in the village cemetery at Dedham, in which are buried sixty-five Union soldiers who died at the rendezvous at Reading. This lot is in the southwest corner of the cemetery, on a gentle slope. The plat for the graves has been terraced, and they have been placed in a single row. They are all leveled and well sodded.

A granite monument stands upon the terrace. A marble slab has been placed on each of the four sides of the shaft, and on these slabs are engraved the names of the deceased soldiers.

The Garden Cemetery, in Chelsea, contains a soldiers' lot, purchased by the citizens of that town, in which are buried nineteen Union soldiers. This lot is elliptical in form, 48 by 28 feet, and is inclosed by a handsomely-dressed granite curbing 10 inches thick, 18 inches high above ground, and rounded on top.

In the center of the lot is quite a handsome monument. A graveled walk extends across the plat transversely, passing around the monument.

The graves are arranged around the margin, near the curbing. Each grave has a handsome marble block at its head. No two are alike. All are small, neat, and substantial, and rest on granite foundations.

In the Cambridge Cemetery, which is quite near Mount Auburn, there is a soldiers' lot, belonging to the association. It is circular in form, 50 feet in diameter, and is ornamented by handsome evergreens.

Twenty-three Union soldiers were buried in this plat at the time of this inspection. The graves were marked by substantial marble slabs. The lot was in fine order.

This cemetery, as well as the one at Chelsea, contains also the graves of Union soldiers buried with their friends. This is also the case at Worcester and other places.

In a public park near Harvard University a large granite monument has been erected by the city of Cambridge, in memory of her sons who "died in the service of their country in the war for the maintenance of the Union," and their names, three hundred and fifty-seven in number, are inscribed upon it in bronze tablets. The monument is quite elaborate. It is said to have cost $30,000.

A handsome monument has also been erected in the public square at Waltham, to the memory of the Union soldiers from that town who died during the late war.

Recapitulation for the State of Massachusetts.

	Known.	Unknown.	Total.
Dedham, Village Cemetery	65		*65
Chelsea, Garden Cemetery	36		36
Cambridge, City Cemetery	43		43
Worcester, Rural Cemetery	45		45
Worcester, Hope Cemetery	38		38
Other places officially reported	44		44
Total	271		271

* Forty colored.

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RHODE ISLAND.

There are no burials of soldiers reported in this State, except at Fort Adams, from the garrison.

There was a cemetery near the Providence Hospital, containing the remains of about three hundred Union soldiers, but they were transferred to the Cypress Hills Cemetery, on Long Island, several years ago.

CONNECTICUT.

The Evergreen Cemetery, near New Haven, contains a soldiers' lot owned by the State. It is a rectangle, 48 by 63 feet, inclosed by a light iron fence, standing on granite posts, which are 6 inches above the ground. This lot contains the remains of one hundred and seventeen soldiers, who died in the general hospital at New Haven. The graves are all leveled and well sodded, but have no individual marks.

The State has appropriated $5,000 for the erection of a monument in the center of this lot.

Seventy other Union soldiers are buried with their friends in this cemetery.

In the Roman Catholic cemetery, (Saint Bernard's,) near New Haven, there is a small lot, 10 by 12 feet, belonging to the United States, although no title-deed has been given. This lot contains the remains of eight Union soldiers. The graves are sodded, but not marked or inclosed.

Twenty-five other Union soldiers are buried in this cemetery with their friends.

Recapitulation for Connecticut.

	Known.	Unknown.	Total.
New Haven, Evergreen Cemetery	187	.....	187
New Haven, Saint Bernard's Cemetery	33	.....	33
Total	220	.....	220

NEW YORK.

CYPRESS HILLS NATIONAL CEMETERY, LONG ISLAND.

(John Bryson, superintendent; class 4, $60 per month. Inspected October 6, 1874.)

This cemetery is situated about five miles east of Brooklyn, in the northwestern portion of the incorporated cemetery of Cypress Hills. It contains about two acres of high, undulating land, which was purchased by the United States for $9,600. It is bounded on the northwest by a deep, sunken road, which sweeps by with a gentle curve, and separates it from the Jewish cemetery.

From the upper entrance to the main cemetery, a drive called Cypress avenue passes through the Government lot nearly parallel with the sunken road, dividing it into two nearly equal parts.

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A deep ravine bounds the lot on the northeast; and as the ground slopes sharply in that direction, the surface-water and drainage flow into this ravine, which, unfortunately, has no outlet, and the water remains there during the summer, stagnant and foul, breeding mosquitoes and miasma.

A little progress has been made by the cemetery association in filling up this ravine. Until this is done it will continue to be unhealthy in that vicinity.

The Government grounds are separated from the main cemetery by a small arbor-vitæ hedge, which is now doing well. The hedge first planted was killed out by the severity of the winter of 1871–'72.

The wooden lodge has been replaced by a brick one, having three rooms on ground-floor; three chambers under a mansard roof, and a cellar under the kitchen. The exterior walks are covered with stucco of a light color; the windows are provided with green shutters on the outside, and with wire screens on the inside. The lodge has been recently painted inside, and is very tidy and in good order, as are also the out-buildings. An underground cistern is attached to the lodge, and a pump has been placed in the kitchen.

Near the lodge is a small hemispherical mound, upon which is a fine flag-staff, and around which four iron 24-pounder guns are planted at equal distances vertically upon their bases as monuments; the flag-staff and guns need painting.

The graves number three thousand six hundred and sixty-one. They are arranged in concentric curves, corresponding to the sunken road above referred to, and extend on each side of Cypress avenue, though on the lower side there are a few rows of graves perpendicular to it. These graves are all mounded up and sodded, and the grass neatly trimmed. They are marked by having a narrow (6-inch) marble slab placed at the first grave in each row, with the numbers cut on it indicating the number of graves in that row; thus, 1 to 65, 66 to 130, &c.

These burials were mostly made from the general hospitals near New York City, but bodies were removed subsequently from Hart's and David's Islands, in Long Island Sound, and still later about three hundred bodies were removed from the burial-ground near Providence Hospital, Rhode Island. During the past two years several ex-Union soldiers have been interred in this cemetery under the act of March 3, 1873, (chapter 276,) permitting honorably-discharged Union soldiers and sailors to be buried in the national cemeteries. These burials are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	3,065	69	3,134
Colored Union soldiers	199	6	205
Total Union soldiers			3,339
Rebel prisoners of war	468	3	471
Citizens		8	8
Total burials			3,818

The confederate dead were buried side by side with the Union dead, as the deaths occurred.

The superintendent is a one-armed man. He has an assistant nine months in the year, who is paid $50 per month, and boards himself.

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The expenditures at this cemetery up to 30th June, 1874, are reported as being $30,866.30.

The expenditures during past fiscal year are reported as being $1,026.70.

The estimate for the next fiscal year, 1875–'76, is $800.

RURAL CEMETERY, SIX MILES NORTH OF ALBANY.

(Inspected June 13, 1873.)

The soldiers' lot is in a conspicuous part of this cemetery, on an elevated plateau overlooking the Hudson River, and commanding beautiful and extensive views.

The lot is in form nearly a semi-ellipse, with the short or transverse axis for its western boundary. This line is about 100 feet long, and the semi-longitudinal axis is about the same length.

One of the principal drives in the cemetery sweeps around this oval part, and a graveled walk extends across the base.

The graves are arranged in rows parallel with this walk. They number one hundred and thirty-three, and fill four rows, with three new graves in the fifth row. A narrow path passes between the adjoining rows. These paths and the walk are clean and hard. The graves are well sodded, (except one new one,) and the grass was neatly cut. They were all marked by small flags, and by wooden pegs painted and numbered. Seventeen of the graves were also marked by marble slabs erected by friends.

These interments were mostly made from the military hospitals near Albany, although a few bodies were brought from the South, and a few burials have been made since the war. They are all of known Union soldiers and sailors.

Between the graves and the apex of the curve the Grand Army of the Republic has erected a granite monument, which is surmounted by a bust, in granite, of President Lincoln, too small to look well in that position. On the four sides of the shaft are sunken panels, containing the names of deceased soldiers.

Along the margin of the lot, by the drive, a row of Norway spruces has been planted. They do not seem to be growing very well. There are also a few other trees.

Some of the graves have flowers growing upon them.

The grass was well cut on the whole lot, and the place looked very well indeed.

The expenditures up to June 30, 1873, are reported as being $.

The annual expense of keeping the lot in order is about $25.

WOODLAWN CEMETERY, ELMIRA.

(Inspected September 23, 1874.)

This is an incorporated cemetery, situated about two miles northwest from the railway station. It has recently been enlarged and improved.

There are one hundred and twenty-eight Union soldiers buried in the extreme northern edge of the grounds, in the narrow strip of land between the north-boundary fence and the avenue running along that side. The graves are arranged in two parallel rows; they were mounded up and sodded, and marked by head-boards. The grass has been cut lately. The head-boards are old and weather-beaten.

A short distance southeast from this lot are the graves of two thousand

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nine hundred and eighty-eight confederate soldiers who died while held here as prisoners of war. The remains of twenty have been removed by friends. The graves were originally mounded up and sodded and marked by head-boards painted and lettered. Many of the latter have fallen down. Some of the graves have sunken in, and those from which the remains were taken by friends have not been filled up.

The grass has lately been cut. This work was done by the employés of the cemetery association.

During the last session of Congress a clause was inserted in the sundry civil service appropriation bill, approved June 23, 1874, making this portion of this cemetery a partial national cemetery. In consequence of this action of Congress, the Quartermaster's Department has been authorized to expend a small sum this fall in putting these lots in better condition; but as the intent of the law is not fully understood, no superintendent has been appointed, nor any attempt made to secure a title to the land.

A special report upon this subject was submitted immediately after this inspection.

BEECHWOOD CEMETERY, NEW ROCHELLE.

This cemetery is about one mile southeast of the railway-station. The soldiers' lot is a retired spot on the south side, near the middle, and close to the fence. It has not been looked after much of late years. The graves were arranged in a single row, mounded up, and sodded. Some of the bodies have been removed by friends, and some of the graves have fallen in.

There seemed to be twenty-six graves remaining. These are marked by small stakes with numbers on them; some of them are rotted off.

Mr. B. Redfield, an undertaker in New Rochelle, has a record of these burials.

A special report has been made concerning this place.

Recapitulation for New York.

	Known.	Unknown.	Total.
Cypress Hills, national cemetery	*3,090	†75	3,165
Albany, Rural Cemetery	133	.....	133
Elmira, Woodlawn Cemetery	128	.....	128
Rochester, Mount Hope Cemetery	150	.....	150
Buffalo, Forest Lawn Cemetery	26	.....	26
Buffalo, Limestone Hill Cemetery	10	.....	10
New Rochelle, Beechwood Cemetery	26	.....	26
Other places officially reported, exclusive of military posts	79	.....	79
Total	3,642	75	3,717

* 199 colored. † 6 colored.

NOTE.—Also at Cypress Hills, 471 rebel prisoners of war; and at Elmira, 2,968 rebel prisoners of war; total, 3,439.

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NEW JERSEY.

NATIONAL CEMETERY AT BEVERLY.

(Wesley Markwood, superintendent; class 4, $60. Inspected October 7, 1874.)

This cemetery is situated on the Bridgeborough road, about one mile from the steamboat-landing on the Delaware, at Beverly. It lies contiguous to and just beyond the village cemetery.

The lot is an irregular figure of four sides, but may be called nearly a square, containing one acre of level, sandy land, which was donated to the United States by Mr. Joseph Weyman.

This lot is inclosed by a rubble-stone wall, laid in mortar and covered with a coping of North River blue-stone. It is in good order.

The entrance is in the center of the front from the Bridgeborough road. It is closed by double iron gates over the drive-way and by a small side gate, also of iron, all hung on stone posts.

A light iron arch spans the drive-way, and from its crown is suspended the bronze shield prescribed for gun monuments. From this entrance a gravel walk extends perpendicularly to the front to the opposite side, passing around a small circular grass-plat reserved for a monument. A small flag-staff stands near the end of this walk opposite the entrance. It is a poor thing.

A graveled walk also extends around the lot just inside the wall and hedge. The latter is of Osage orange, and is quite small, having been replanted since the building of the wall.

There are many trees growing in this cemetery, considering the limited space, and they are in good condition generally, and in about the right proportion of evergreen and deciduous. There is a well of good water in about the center of the grounds.

The graves number one hundred and forty-seven. They are arranged in rows parallel with the front of the cemetery, on the left-hand side of the central avenue from the main entrance, except twenty-three, which are in a single row on the right-hand side of this avenue and parallel with it. These graves are mounded up and sodded; the turf is poor, but the grass is closely cut. The graves are marked by head-boards in good order.

The interments were made from the general hospitals in Beverly, and are all known except seven.

The State of New Jersey having appropriated $10,000 for a monument to be erected in this cemetery, a superintendent was appointed last November and put in charge of the grounds soon after.

There is no lodge at this cemetery, and quarters are rented near by for the superintendent.

Although there is sufficient room inside the inclosure for all the additional interments likely to be made here, there is not room suitable for a lodge, and at the instance of the people of Beverly the department has consented to purchase an additional piece of land for the location of a lodge, &c. This purchase is not yet completed, as there is some trouble in regard to the title to the land, and a misunderstanding in regard to the improvements thereon.

The expenditures at this cemetery up to the 30th June, 1874, are reported at $5,829.07.

The estimate for the next fiscal year, 1875–'76, is—

For purchase of land	$2,850
For building of lodge and out-buildings	4,000
For maintenance	500
Total	7,350

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FAIRMOUNT CEMETERY, NEWARK.

(Inspected July 27, 1872.)

This is an incorporated cemetery. The soldiers' lot is owned by the city of Newark, in which it has erected a handsome monument. The lot is situated along one of the principal drives, and is quite conspicuous on account of the monument, which is of granite, 8 feet square at base, 30 feet high, and surmounted by a life-sized statue of a soldier standing guard over his comrades. A small oval grass-plat surrounds the base, and four bronze cannon are planted vertically on their bases opposite the corners of the pedestal. The lot is an irregular figure, but is about 150 feet long, north and south, and will average about 60 feet in width, east and west.

The entrance is in the center of the south end, and two bronze cannon are planted here vertically on their bases, and on either side a graveled walk extends from this entrance north through the lot, passing around the monument to the north end, where there is a small flag-staff. The border of the lot is lined with maples and arbor-vitæs, alternating generally.

The graves number one hundred and eighty-three. They are arranged in rows perpendicular to the central walk; they are leveled and sodded. Fifty-one are marked by marble head-stones 4 inches thick, 16 inches wide, and 20 inches high, standing on red sandstone bases, all of one pattern. One hundred and twenty are marked by head-boards, painted and lettered, and in good order. Twelve new graves were without marks. The head-stones have the name, company, and regiment of the deceased cut on them.

This lot is well taken care of by the cemetery association.

No expenditures have been made by the United States.

Recapitulation for New Jersey.

	Known.	Unknown.	Total.
Beverly, national cemetery	140	7	147
Newark, Fairmount Cemetery	183	.....	183
Finn's Point, opposite Fort Delaware*	10	.....	10
Sandy Hook	5	2	7
Total	338	9	347

* One thousand four hundred and thirty-four rebel prisoners of war are also buried at this place.

PENNSYLVANIA.

NATIONAL CEMETERY, GETTYSBURGH.

(N. G. Wilson, superintendent; class 1, $75 per month. Inspected November 19, 1874.)

This cemetery was organized in 1863, soon after the battle of Gettysburgh, by an association of gentlemen representing the several Union States having troops engaged in the battle. Money was appropriated by these States, and the work carried on to completion by the associa-

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tion, when, in the spring of 1872, it was transferred to the United States, with a title in fee-simple of the land.

This cemetery is situated on the north end and west side of Cemetery Hill, and is immediately south of the village of Gettysburgh. It fronts east on the Baltimore turnpike, along which it extends about 300 feet. This front is covered by a heavy cast-iron fence.

The main entrance is in this front near the north end, and is closed by double iron gates over the carriage-way. These gates are supported by large square iron posts, on whose front panels are inscribed in bronzed letters the names of the States represented in the cemetery. Each post is surmounted by a large bronzed iron eagle, with wings outstretched. A small gate is on each side of the carriage-way, for visitors on foot. This gateway, posts, &c., cost about $1,850, and the iron fence on this front $7.66 per linear foot. This iron-work will need repainting next season.

On the north side, and running nearly west to the Taneytown road, a distance of 950 feet, is a rubble-stone wall laid in mortar and covered by a heavy coping of dressed granite, 8 inches thick, 23 inches wide, with the top slightly beveled. A similar wall extends nearly south along the Taneytown road 1,250 feet, then east across the south end 300 feet. This wall and coping cost $4.87 per linear foot. The stone was obtained in the immediate vicinity. It was repointed about two years ago, and is now in good order generally.

The village cemetery is on the summit of the hill, and gave the name to the locality. It is separated from the national cemetery by a fence made of gas-pipe, 1¼ inches in diameter, screwed together and passing through cast-iron posts. This fence is 3 feet high, and has three rows of these pipes for rails, about a foot apart. It extends from the Baltimore pike southwest 960 feet, then nearly south 766 feet, to the stone wall, making 1,726 feet. It cost $2.55 per linear foot.

On the Government side of the fence an arbor-vitæ hedge has been planted. It has been much injured by the severe weather during the winters of 1871–'72 and 1872–'73, and it is now quite uneven.

This cemetery contains seventeen acres of land, which slopes very gently to the north, northwest, and west, and commands extensive views of the surrounding country, which is very beautiful.

From the main entrance a drive 25 feet wide extends southwest over the highest part of the ground, and near the village cemetery; thence south and west to near the Taneytown road; then returning north and east, by gentle curves, passes over the lower slopes, back to the main entrance.

These grounds have been very handsomely ornamented with trees and shrubs, selected and grouped by Mr. William Saunders, the eminent landscape gardener in charge of the public gardens in Washington. Most of these trees and shrubs have grown well. Some few are not hardy enough for so open an exposure in the latitude of Gettysburgh, noticeably the cedars *deodara*.

The graves number three thousand five hundred and seventy. They are arranged in concentric arcs of circles, extending nearly around the highest part of the ground. The inner circle has a radius of 110 feet, the outer 300 feet, and they embrace an area of about two and one-fourth acres. These circles or arcs are divided into sections of different sizes by walks running up and down the slopes, and the arcs or rows of graves are separated from each other also by horizontal paths extending around the hill. Each row of graves is made into a small terrace, which is neatly sodded. The graves are marked by having a con-

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tinuous granite curbing along the inner edge of each terrace, with name, regiment, &c., of the deceased cut on the upper surface, opposite his grave.

The curbstones were smooth-dressed on top and sides above ground, and laid on broken-stone foundation, extending below frost; they were also clamped together on top with iron. They are 10 inches wide on top and 9 inches high above ground, and several feet long. The stone for this work was obtained near by. The cost of the curbing, completed, was $4 per linear foot, or about $12 per grave. The lettering was painted black two years ago to make it more legible; this paint has nearly disappeared.

There are nine hundred and seventy-nine graves of unknown soldiers, neither name, State, nor regiment, known. These were buried in sections by themselves, and have no curbing or other grave-marks, but marble blocks will be put up at these graves under the contract of D. C. Sage for supplying and erecting head-stones for the unknown soldiers in the national cemeteries. The work was in progress at the time of this inspection.

The bodies were removed soon after the battle from the places of original interment, in the vicinity of the battle-field, and very great pains were taken to identify them, and they were classified and buried in sections by States as far as known.

The following is the list of interments by States, viz:

	Known.	Unknown.	Total.
Maine	87	17	104
New Hampshire	22	27	49
Vermont	43	18	61
Massachusetts	157	2	159
Rhode Island	12	.....	12
Connecticut	22	.....	22
New York	597	270	867
New Jersey	43	35	78
Pennsylvania	357	177	534
Delaware	15	.....	15
Maryland	16	6	22
West Virginia	11	.....	11
Ohio	127	4	131
Indiana	62	18	80
Illinois	5	1	6
Michigan	168	3	171
Wisconsin	53	20	73
Minnesota	32	20	52
United States Regulars	102	36	138
Unknown, name or State	.....	979	979
Total	1,931	1,633	3,564

There have been six additional interments since the above lists were made, and a revision of them gives the number of known greater and of unknown smaller, viz: Known, 1,963; unknown, 1,607; total, 3,570.

Above the upper row of graves, and between it and the upper drive, is quite a large space. This is the highest ground in the cemetery. Here a handsome and costly marble monument has been erected to the memory of the brave men who died on this field in the defense of the Union, and whose deeds have been rendered immortal by the imperishable words of President Lincoln in his dedicatory address at the consecration of this cemetery on the 19th November, 1863.

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The base of the monument is surrounded by a circular grass-plat, which is inclosed by a light iron fence. A drive surrounds this circle, and a wide border of turf and shrubbery intervenes between the drive and first row of graves. Three bronze field-guns mounted upon their carriages are placed near this circular drive.

Cast-iron seats of a neat pattern have been placed among the terraces; also terra-cotta vases filled with flowering and other plants at the proper season.

In the village cemetery there are seventy-three graves of Union soldiers, buried by their friends. These graves are generally neglected now. If the friends should request it, the Government would remove these remains to the national cemetery, where they would be properly cared for.

Not far from the main entrance the lower drive intersects the upper. In the angle made here by these two avenues is placed the monument erected by the First Corps to the memory of Maj. Gen. John F. Reynolds. It consists of a granite base and pedestal; the latter about 3 feet square and 8 feet high, surmounted by a bronze statue of the general, (life-size,) in uniform and equipped for the field, but dismounted. A bronze field-gun on its carrage is placed near this monument also.

A small flag-staff was placed last year near the upper monument. It was not deemed appropriate in size or position. Another of suitable dimensions has been erected near the main entrance.

The lodge is situated in the northeast corner, right at the main entrance. It is built of stone, has three rooms on ground floor, and three chambers under a mansard roof. A piazza also extends around the four sides of the building. The lodge was tidy and in good order, as were the out-buildings also.

A wooden shed has been erected for sheltering the field-guns and carriages from the weather in the winter. The vases are also stored here during the winter months.

The well caved in some time ago, but it has been properly repaired.

The drives have been regraveled and rolled hard, and are in good order; they are much used.

The lawns have a pretty good sod, and the grass is kept closely and neatly cut; a top-dressing of manure will be needed next fall. Some of the shrubbery requires pruning and cultivating, and a few of the trees require to be replaced by healthier ones.

This cemetery is very beautiful, and is in good order generally. The terraces have sunken in by the breaking down of the coffins, and will require to be raised and sodded next season.

The expenditures by the United States at this cemetery up to 30th of June, 1874, are reported at $5,653.61.

The expenditures for the present fiscal year will be about $1,100.

The estimate for the fiscal year 1875–'76 is $2,200.

CITY CEMETERY, HARRISBURGH.

(Inspected September 4, 1873.)

This cemetery is about one mile east of the State-house. It is being improved; also the road leading to it.

The soldiers' lot is on the east side, near the middle, and next the fence; it is about 160 feet long by 20 wide, and contains three rows of graves parallel with the long sides.

The graves are said to number one hundred and fifty-five, but it is not easy to determine their exact number and position, as some bodies have

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been removed to make room for an avenue, and but few of the graves have any marks.

Eleven marble slabs have been erected by friends; they are inclined at various angles. There are also thirteen head-boards, old and faded, with scarcely a name legible.

The graves were all mounded up and well sodded; some of them have sunken in. The grass is neatly cut. Two arbor-vitæs have been planted in this lot, and a few seedling locusts are growing spontaneously.

These burials were made from the hospitals at Camp Curtin, and among them are the remains of fifteen rebel prisoners of war.

The citizens of Dauphin County are erecting, in State street, Harrisburgh, a large monument in memory of their comrades who fell during the war of the rebellion. It is a square pyramid of dressed limestone, and is now about 75 feet high and unfinished.

The expenditures by the United States are not known.

This lot might be kept in good order for about $10 per annum.

PROSPECT HILL CEMETERY, YORK.

(Inspected September 4, 1873.)

This cemetery is situated about half a mile northwest of the railway station, on high, rolling ground, partly covered with large trees.

The soldiers' lot is on the western slope of the hill, in the open ground. It is a figure of four sides, with the long sides curving slightly to conform to the drive passing by on the west.

The graves number one hundred and fifty-three, and are arranged in four parallel rows. They are all mounded up and sodded. The grass is long and weeds are abundant.

A few marble slabs have been erected by friends. The balance of the graves are marked by head-boards, once painted, lettered, and numbered, now faded, and some rotten. These burials were made from the general hospital in York.

The patriotic ladies of this place have raised $3,000 for the purpose of erecting a monument over these soldiers' graves.

The cemetery association has offered or consented to exchange the present soldiers' lot for a more desirable one on the eastern slope of the hill, not far from the main entrance to the cemetery. The War Department has authorized the removal of the bodies to this lot, upon the assurance that it shall be done with scrupulous care and respect, and without expense to the United States.

The proposed lot is circular; about 60 feet in diameter; has a large weeping-willow in the center, and a row of healthy trees (cedars) along the circumference. It will probably be improved, and the remains of the soldiers transferred to it this fall, after the weather becomes cool. The transfer has been made since this inspection, and a monument erected in the new lot.

The expenditures by the United States are not known.

None will be required hereafter, as the cemetery association will keep the lot in good order free of charge.

CEDAR GROVE CEMETERY, CHAMBERSBURGH.

This is quite a pretty little cemetery. It is near the town, and receives a good deal of attention. It contains a soldiers' lot, 18 by 12 feet, in which are the graves of nineteen Union soldiers, who died here in hospital soon after the battle of Gettysburgh. Five of these graves

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are marked by marble slabs erected by friends; the others have plain head-boards, with neither names nor numbers on them.

Expenditures by the United States not known.

RURAL CEMETERY, CHESTER.

(Inspected August 30, 1873.)

This cemetery is situated about one mile north of the railway station.

The soldiers' lot is on the north side, near the middle, and lies between the boundary fence and the main drive on that side. It is nearly a trapezoid in form, the parallel sides being 50 and 60 feet respectively, and the distance between about 30 feet.

The graves number fifty-three. They are arranged in parallel rows, mounded up and sodded, and the grass neatly cut. Three of the graves are marked by friends with marble head-stones—one a small pyramid. The other graves are marked by head-boards, old and weather-beaten. These burials were made from the general hospital at Chester. Three are unknown. The rest are of known Union soldiers.

In the northeast corner of this cemetery are the graves of one hundred and sixty-nine rebel prisoners of war, who were originally buried in Powel's cemetery and other places. These graves are arranged in parallel rows, are mounded up and sodded, and the grass neatly cut. They are also marked by head-boards.

The work on these two lots is done by laborers sent from Philadelphia, under the direction of Superintendent Gearing, who has charge of the soldiers' lots in this cemetery as well as those in the Philadelphia cemeteries, and also of the cemetery in Whitehall, Pa.

The expenditures up to the 30th of June, 1873, are reported at $1,941.50.

PHILADELPHIA CEMETERIES.

The Union soldiers who died in the general hospitals near Philadelphia were buried in seven different cemeteries, one or more plats in each being devoted to this purpose, and either donated to or purchased by the Government.

These Philadelphia cemeteries, with those at Chester, Whitehall, and Bristol, Pa., have been grouped into a national cemetery of class 2, with James Gearing as superintendent.

MOUNT MORIAH CEMETERY.

This cemetery is about four miles west of the city, and is situated near Darby Plank Road. It may be reached by the Chestnut-street horse-cars, or via the Philadelphia, Wilmington and Baltimore Railroad. It contains two soldiers' lots. The first one from the main entrance is much the larger lot. It is an irregular figure of six sides, situated on the slope of a hill overlooking a pretty valley and brook, and bounded on three sides by a public drive.

The graves number four hundred and seven; six being of rebel soldiers, prisoners of war; the rest of Union soldiers. They are arranged in parallel rows; the upper rows being quite short, those in the central part rather long, and the lower ones short again.

The graves are mounded up and sodded, but the turf is poor; the grass was cut short, periwinkle growing on many of the graves. They were all marked by little flags; a few had marble slabs erected by friends; head-boards were placed at all the others. Narrow paths run between the graves; these were all clean.

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There is a small circular grass-plat in the center of the lot. This is surrounded by evergreens. A row of deciduous trees lines the borders along the drives.

The other soldiers' lot is in the new or upper part of the cemetery and is known as the "Cooper-shop Saloon" lot, as it was purchased and fitted up by an association of that name. It is a small rectangle, inclosed by an iron fence, made up of panels elaborately decorated with military emblems. This fence needs painting badly.

The remains of thirty-one Union soldiers are buried in this lot. The graves are leveled and well sodded, but have no marks except the small Union flags planted on Decoration Day.

Adjoining this lot is one belonging to the National Soldiers' Home, containing the remains of several of its inmates (Union soldiers) who have died since the war. This lot is inclosed by a railing made of galvanized-iron pipe, in lengths of about 10 feet, with the ends inserted into 10-inch shells, (also galvanized,) having burning fuses; the shells rest on marble posts 6 inches square, and rising 15 inches above ground.

WOODLANDS CEMETERY.

This cemetery is also on the Darby Plank Road, about one mile west of the Chestnut-street bridge over the Schuylkill.

The soldiers' lot is in the southern part, in the open, unoccupied ground, overlooking the river and city beyond. It is a rectangle, 42 by 69 feet, and contains the graves of one hundred and sixteen Union soldiers, arranged in five parallel rows. They are all mounded up and sodded, and the grass neatly cut. They are marked by head-boards and by small Union flags.

There is a graveled path all around this plat; also narrow paths between the rows of graves.

This lot is quite isolated, and, having no trees or shrubbery about it, looks bare and lonely. It could easily be improved. There is no approach to this lot except over the lawn, which is often wet. A walk is needed.

A new drive is being opened in the vicinity of this lot; probably arrangements could be made for a gravel walk to connect them.

GLENWOOD CEMETERY.

This cemetery is situated at the corner of Ridge avenue and Islington lane, three and a half miles from the city-hall. It contains two soldiers' lots; one is in the southeast corner, and contains one hundred and ninety-one graves, arranged in rows parallel with the short side. The lot is nearly a rectangle, of 25 by 190 feet, and is surrounded by a graveled walk.

The graves are all mounded up and sodded, the turf good, and the grass neatly trimmed. They are marked by head-boards painted and numbered.

The other lot is about 150 yards north of this one; it contains five hundred and seventeen graves, arranged in rows parallel with the long (east) side of the lot. One row is close to the eastern fence of the cemetery, and is separated from the other rows by a graveled walk which passes around them. These graves are also mounded up and well sodded, and the grass neatly cut. They are marked by head-boards painted and numbered. Originally all these head-boards were put up without being painted, and had the name of the deceased soldiers cut on them

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with a scribing-iron. These names were nearly illegible before the paint was put on. I think they are rather plainer now than they were before. Each grave is also marked by a small Union flag planted on it on Decoration Day.

There is one grave separate from the two lots here mentioned. It is marked by a flag and head-board similar to the others, the latter bearing the numbers 709 and 710. Of these burials nine are of rebel soldiers, prisoners of war.

ODD-FELLOWS' CEMETERY.

This cemetery is situated on Islington lane and Twenty-fourth street, and is only a short distance east of Glenwood Cemetery. It is inclosed on the front by an iron fence, surmounting a low rubble-stone wall laid in mortar; the other three sides are covered by a wooden picket-fence. It contains the graves of two hundred and sixty-four Union soldiers and of fourteen rebel soldiers, prisoners of war. These graves are in two lots donated to the United States by the cemetery association.

The first lot is along the front fence and west of the main entrance. It contains the graves of sixty-seven Union soldiers, arranged in three rows parallel with the front fence, the graves also being parallel with this fence.

One of the main drives at the cemetery passes by this lot on the north.

The remainder of the graves (two hundred and eleven) are arranged in a single row along the west side of the cemetery, close to the fence, the graves being perpendicular to the fence and to the drive which bounds them on the east. The graves in both are mounded up and well sodded with a good turf, neatly trimmed. They are marked by head-boards painted and numbered and by small Union flags.

UNITED AMERICAN MECHANICS' CEMETERY.

This cemetery adjoins the Odd-Fellows' cemetery on the east.

The soldiers' lot belongs to the cemetery association. It is about 25 feet square, and contains five graves, marked by head-boards numbered up to eleven, which is the number of Union soldiers buried in the lot. These graves are also marked by small Union flags.

The lot is kept in good order by the cemetery association, without expense to the United States.

LEBANON CEMETERY, (COLORED.)

This cemetery is situated on the Passayunk road, near the Penrose Ferry road, in the Twenty-sixth ward. It is in a dilapidated condition, and evidently receives but little attention, and at the time of this inspection (September 18, 1873) was used as a horse-pasture.

The soldiers' lot is nearly a square of 75 feet. The land was purchased by the United States for the sum of $1,125. It contains the graves of three hundred and thirty-nine colored Union soldiers. The graves are arranged in parallel rows, are mounded up and well sodded, and the grass neatly trimmed. They are marked by head-boards and stakes, numbered. About one hundred of the stakes are new and painted white.

Formerly every sixth grave had a head-board, on which was inscribed

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the names of the occupants of the six graves. These names are now scarcely legible, and some of the head-boards have rotted off and have been replaced by stakes.

The project for building a monument here has probably been abandoned by the projectors, the colored friends of the deceased soldiers; at least, no progress has been made. The lot is in very good order, and it is recommended that it be protected by inclosing it with a light iron fence.

The interments were originally made in the Glenwood and Odd-Fellows' cemeteries, from the general hospitals in Philadelphia, and the removals were made by the Quartermaster's Department.

The expenditures up to June 30, 1873, are reported at $1,125.

The graves in this cemetery can probably be kept in good order for $50 per annum.

A light iron fence with granite posts would probably cost $650. This fence has since been erected.

LAFAYETTE CEMETERY.

This cemetery is bounded by Ninth and Tenth and Wharton and Federal streets.

The Volunteer Refreshment Association of Philadelphia provided a lot in this cemetery, and paid for the interment in it of twenty-four Union soldiers.

Not much care has been taken of the lot lately. No control is exercised by the United States over these graves.

The expenditures at the several Philadelphia cemeteries up to the 30th June, 1874, are reported at $16,122.10.

WHITEHALL NATIONAL CEMETERY.

This small cemetery is situated about two and one-half miles from Bristol, Pa., on a side road leading from that town to the Whitehall landing on the Delaware River. It is in an isolated position, and was established for the burial of the dead at the general hospital near Whitehall.

The lot is a rectangle, 180 by 240 feet, and contains one acre of land, purchased by the United States for the sum of $150. It is inclosed by a brick wall. The entrance is in the center of the east side, and is closed by iron gates.

The ground slopes slightly to the west; the soil is rather poor and quite damp. It would be greatly improved by being underdrained with tile.

A few trees have been transplanted in this cemetery; they are not growing well.

An Osage-orange hedge was planted inside the fence and grew well, but in building the wall it had to be cut back and reset.

The soldiers' graves number sixty-one; they are arranged in two parallel rows. The first row is about 30 feet from the front fence and parallel with it, and extends on both sides of the avenue leading from the main entrance. This row contains fifty graves, twenty-six on the right and twenty-four on the left of the entrance. The second row is just in rear of the first, and contains eleven soldiers' graves. These are all mounded up and sodded with pretty good turf, and the grass was cut short. The graves are marked by head-boards, old and faded, but all up.

There are several graves, in the continuation of the second row, of

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children who have died at the Soldiers' and Sailors' Orphan Asylum, near by. These interments have been authorized by the War Department, as there is plenty of room in this cemetery.

Particular pains should be taken to grow native forest-trees here. The place is quite isolated, and about the best and certainly the cheapest way to appropriately adorn it is to rear a grove of handsome trees.

The expenditures at this cemetery up to the 30th June, 1874, are reported at $5,178.79.

The estimate for this cemetery, for the one at Chester, and the Philadelphia cemeteries, (which are all under the charge of one superintendent,) for the fiscal year 1875–'76, is—

For purchase of land at the Philadelphia cemeteries	$4,346 87
For maintenance	1,000 00
Total	5,346 87

Recapitulation for the State of Pennsylvania.

	Known.	Unknown.	Total.	Rebel prisoners of war.
Gettysburgh national cemetery	1,937	1,633	3,570	.....
City Cemetery, Harrisburgh	117	23	140	15
Prospect Hill Cemetery, York	151	2	153	.....
Cedar Grove Cemetery, Chambersburgh	.....	19	19	.....
Rural Cemetery, Chester	50	3	53	169
Mount Moriah Cemetery, near Philadelphia	432	.....	432	6
Woodlands Cemetery, near Philadelphia	110	6	116	.....
Glenwood Cemetery, near Philadelphia	682	11	693	9
Odd-Fellows' Cemetery, near Philadelphia	*247	17	264	14
United American Mechanics' Cemetery, near Philadelphia	6	5	11	.....
Lebanon Cemetery, near Philadelphia	†339	.....	339	.....
Lafayette Cemetery, near Philadelphia	8	16	24	.....
Whitehall national cemetery, near Bristol	59	‡2	61	.....
Other burials in the State officially reported	330	40	370	.....
Total	4,468	1,777	6,245	213

* One colored. † Colored. ‡ One colored.

MARYLAND.

NATIONAL CEMETERY, ANNAPOLIS.

(W. Wakenshaw, superintendent; class 4, $60 per month. Inspected August 1, 1874.)

This cemetery is situated about one mile west of the railway station on the West-street road, and is just outside the city limits.

The lot is an irregular figure of several sides, but may be described approximately as a parallelogram, 800 feet long north and south, by 200 feet wide east and west, and containing a little over four acres of undulating land, which was purchased by the United States for the sum of $856.50. It is inclosed by a rubble-stone wall, laid in mortar and cov-

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ered by a granite coping. This work was very badly done, and has required a great deal of repairing.

The main entrance is in the center of the south end, fronting on the West-street road. From this entrance an avenue extends north through the grounds, passing around a small circular mound, on which stands the flag staff. A similar avenue crosses this one at right angles at the flag-staff mound, and extends to the opposite sides, thus dividing the lot into four large sections, which are subdivided by six paths running east and west into fifteen smaller sections, fourteen of which are used for burial purposes, and one contains the lodge and out-buildings, which are in the southeast corner of the lot.

The lodge is a one-story brick building, 21 by 51 feet, containing three rooms of equal size, with a piazza on the north and south sides, the roof extending over the piazzas. Recently a portion of the north piazza has been inclosed by board partitions and made into a small room and a porch, the latter connecting with the detached kitchen. These, with out-buildings, are tidy and in good order.

Gutters are needed for the eaves, to prevent gullying in heavy showers by carrying the water from the roof into a drain.

Water has been introduced into the lodge from the city main, which passes by the front of the cemetery. The water-rent is $15 per annum.

The ground is high through the center of the cemetery, north and south, particularly about the flag-staff mound, and falls off rapidly to the east and west, giving good drainage.

The paths and avenues are lined on each side by brick gutters. These were a good deal choked up. The importance of keeping them clear was pointed out to the superintendent.

There are two small iron field-guns planted as monuments near the flag-staff; they need painting.

There is a great want of foliage in the cemetery. The grounds are very favorable for adornment by the proper grouping of suitable trees and shrubs. A large number was transplanted here last spring a year ago, but they have been a good deal injured by the drought this season.

The graves in this cemetery number two thousand four hundred and eighty-two. They are arranged in parallel rows in the several burial sections. They are all leveled; a good many have sunken in; some have been filled up, but not sodded.

A few marble slabs have been erected by friends, and a few specimen slabs made of Ransome's patent concrete or artificial stone have been put up gratis by the manufacturers in Baltimore. The balance of the graves are marked by head-boards in poor condition.

These interments were made principally from the hospitals at Camp Parole, near Annapolis, and were mostly of returned prisoners of war. They are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	2,443	206	2,649
Colored Union soldiers	14	5	19
Citizens and others	14	.....	14
Total in cemetery	2,271	211	2,482

One man is employed the year round to assist the superintendent. Some extra labor is required in the growing season.

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The expenditures up to June 30, 1874, are reported at $27,266.58.

The expenditure for present fiscal year will probably amount to $1,855.30.

The estimate for next fiscal year, 1875–'76, is $1,000.

ANTIETAM CEMETERY.

(Inspected November 6, 1873.)

This cemetery was incorporated by the State of Maryland in March, 865, for the purpose of providing a burial place for the dead soldiers of oth the contending armies at the battle of Antietam. Only Union oldiers, however, have been buried here; the confederates are buried ear Hagerstown.

The State of Maryland purchased the land, (ten acres,) paying there- or $1,000. The other expenses of the cemetery have been defrayed rom appropriations made by the several States having soldiers interred herein.

The cemetery is under the control of the Antietam Cemetery Asso- iation, composed of delegates from these States. It is the purpose of he association to transfer the cemetery to the United States immedi- tely after the dedication of the monument, which is expected to take lace on the next anniversary of the battle, viz, September 17, 1874. his transfer is authorized by a joint resolution of Congress approved uly 14, 1870.

The cemetery is not quite completed; but as the association has only unds to pay for the monument, which will cost about $30,000, it will re- nquish the original plan of retaining control of the cemetery until ntirely finished.

The lot is an irregular figure of four sides. It fronts north on the oonsborough and Sharpsburgh turnpike about 800 feet, while the south de is only about 450 feet in length. The average depth of the lot is bout 675 feet.

It is situated on the summit of a ridge running north and south about half mile east of the center of the town of Sharpsburgh, and three iles west of the village of Keedysville, on the Hagerstown branch of e Baltimore and Ohio Railroad. Originally the ground sloped rather arply to the east, but it has been so graded as to give a gentle and niform slope on both sides of the central line of the ridge. It is in- osed by a massive stone wall on three sides, and by a low wall sur- ounted by an iron fence on the north front.

The main entrance is in about the center of this front, and is closed by ndsome iron gates. Near this entrance is a picturesque cottage, built dressed limestone, two stories high, with steep roofs and a small square wer, surmounted by a battlement, on which is a small flag-staff. From e top of this tower very beautiful and extensive views may be obtained. also commands almost completely the whole of the battle-field.

During the battle the headquarters of General Lee were quite near is spot, and were indicated by a large rock, since known as Lee's rock, it now removed.

From the main entrance an avenue 16½ feet wide extends south a short stance, then curves to the right and left, and encircles the greater por- n of the lot. In about the center of this circumscribed portion is a rcular plat of about 80 feet diameter, upon which the monument is to erected.

From the four cardinal points of this circular plat walks 10 feet wide tend outward at right angles to each other, making four large sections.

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These are subdivided into burial sections of different shapes and sizes by similar walks.

The burial sections were made in this manner so as to allow the dead from each particular State to be buried in a single section. These burial sections occupy all the ground inclosed by the drive except about 100 feet all around the monument plat, where the vacant spaces are devoted to flowers and shrubbery.

In the fork of the avenue, near the lodge, is a circular plat of about 50 feet diameter, upon which it is proposed to place a flag-staff.

A large number of trees and shrubs have been planted in this cemetery, but they have not grown very well. The soil has been removed by grading, and there is but scanty support for vegetation, particularly in the central part of the lot.

The seasons for two or three years previous to this have been unfavorable also, having been very dry, particularly the summer of 1872.

The graves are arranged in trenches, and each trench mounded up and sodded, so that there are no mounds to individual graves. In the sections south of the walk, running east and west from the monument plat, the trenches are in curves concentric with that plat; north of that walk they are in parallel right lines; those east and west of the central grounds running north and south; those to the north of those grounds running east and west.

The interments are classified as follows by States, viz:

	Known.	Unknown.	Total.
Maine	88	8	96
New Hampshire	24	1	25
Vermont	56	9	65
Massachusetts	128	74	202
Rhode Island	22	1	23
Connecticut	80	5	85
New York	726	136	862
New Jersey	65	5	70
Pennsylvania	546	84	630
Delaware	28	.....	28
Maryland	84	6	90
West Virginia	170	2	172
Ohio	320	29	349
Indiana	136	8	144
Illinois	28	1	29
Michigan	100	37	137
Wisconsin	130	12	142
Minnesota	10	.....	10
Iowa	2	.....	2
United States Regulars	78	7	85
Officers	31	7	38
Organizations unknown	42	1,376	1,418
Total	2,894	1,808	4,702

Of these burials, 1,470 were the killed, and those that died of wounds received in the battle of Antietam and buried near by.

The remains of fifteen of these have been discovered this season in some part of the battle-field and brought into the cemetery and interred in the section for the unknown. The balance of the bodies were removed from the battle-fields of Monocacy and South Mountain, and from Harper's Ferry, and other places in the vicinity. The expenses incurred by the removed were paid by the United States, but the amount

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so expended has not been reported. The amount expended by the cemetery association was reported by General Thomas in 1868 at $40,000. Since then no report has been obtained.

This cemetery is very tastefully laid out, and when completed will present a fine appearance. Considerable expense will, however, necessarily be incurred in finishing this work properly.

NOTE.—Monument not yet erected, (December, 1874,) and no notice has been given by the association of the probable time of its completion.

LOUDON PARK NATIONAL CEMETERY, BALTIMORE.

(William O'Brien, superintendent class 4, $60. Inspected July 30, 1874.)

This cemetery is within the incorporated cemetery of same name situated on the Catonsville turnpike, three and one-half miles west of Baltimore. It can be reached by horse-cars or via the Baltimore and Potomac Railroad.

The land belonging to the United States is in the northeast corner of the main cemetery. It has a front of about 102 feet on the Catonsville pike, from which it is separated by a heavy iron fence, being a part of the front fence of the main cemetery. It then extends south along the eastern boundary of corporation grounds about 700 feet.

A rubble-stone wall 6 feet high, laid in mortar and covered by a good coping, has been built on this side by the United States, in consideration of a title in fee-simple to the land occupied by the soldiers' graves. On the west the line is quite irregular, curving in and out to conform to the avenue that bounds it on that side. A light iron fence has been put on this side and on the south end. This fence needed painting.

There are a few large oaks in the north end, and a row of young, vigorous trees lines the west side between the avenue and the fence.

The graves number one thousand seven hundred and ninety. They are arranged in long rows parallel with the east side. They are mounded up and sodded, but the grass was not properly cut. The graves are marked by head-boards in poor condition.

A few marble slabs have been erected by friends, and a few specimen head-stones of Ransome's patent concrete have also been put up here.

Two small iron guns have been planted in masonry vertically on their bases as monuments.

This cemetery was not in good order. The superintendent was reprimanded for its condition. He promised better care in future. There is no lodge, and quarters are rented for the superintendent.

The burials in this cemetery were made mostly from the general hospitals at Baltimore, the Relay House, and Elkridge Landing. They are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	1,480	166	1,646
Rebel soldiers, prisoners of war	139	.....	139
Citizens	.....	.....	5
Total	1,619	166	1,790

The expenditures up to June 30, 1874, are reported at $13,899.98.
Probable expenses this fiscal year, $575.
Estimate for fiscal year 1875–'76, $600.

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LAUREL CEMETERY, (COLORED,) NEAR BALTIMORE.

This cemetery is situated on the Belair road, about half a mile beyond the end of the horse railroad.

There are two hundred and thirty-eight colored Union soldiers buried here. They are mostly buried in two long parallel rows just inside the fence along the upper (east) side of the Belair road. These graves are mounded up generally, but some are sunken in. They are all sodded, but the grass had not been cut at the time of this inspection, (July 30, 1874.) They are marked by head-boards, which are now weather-beaten and the lettering quite dim.

These burials were made at the expense of the United States, who now own the land occupied by the graves, though the title is not yet perfected.

The interments are classified as follows, viz:

Colored Union soldiers—	
Known	236
Unknown	2
Total	238

The expenditures on account of this cemetery up to 30th June, 1874. are reported at $235.

Recapitulation for the State of Maryland.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total.	Citizens, &c.	Rebel prisoners of war.
Annapolis, national cemetery	2,243	206	14	5	2,468	14	.....
Antietam, national cemetery	2,894	1,808	.....	.....	4,702	.....	.....
Loudon Park Cemetery, Baltimore	1,480	166	.....	.....	1,646	5	139
Laurel Cemetery, Baltimore	.....	.....	236	2	238	.....	.....
Point Lookout	.....	.....	.....	.....	.....	.....	2,159
Total	6,617	2,180	250	7	9,054	19	2,298

DISTRICT OF COLUMBIA.

SOLDIERS' HOME NATIONAL CEMETERY.

(William Tyler, superintendent; class 1, $75. Inspected September 18, 1874.)

This cemetery is situated on land belonging to the Old Soldiers Home, but which has been devoted to this purpose by consent of the board of commissioners and the Secretary of War.

The lot fronts southwest on the road leading from Rock Creek church to North Capitol street, via Glenwood Cemetery. It is an irregular figure of several sides, but as inclosed by the new stone wall, which

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embraces the Home cemetery also, is nearly triangular. The amount of land inclosed by this wall and the light iron fence along the front is about nine acres.

The wall is of rubble-stone, laid in mortar, and covered by a coping of bluestone. The part of the wall belonging to the Home cemetery will have a coping of dressed Seneca stone.

The main entrance is at the northern extremity of the front fence. From this entrance a drive extends about due east to the Home cemetery, which is in the northeast corner, and which contains about an acre of land in the form of a rectangle, a little longer than wide. This part of the ground contains some large oak and chestnut trees. The balance of the ground is divided into numerous burial sections by walks and paths running parallel and perpendicular to the sides of the lot. A large number of cedars and spruces have been set out along these burial sections, and most of them are growing well.

The graves number five thousand six hundred and twelve. They are arranged in parallel rows in the various sections. They have all been leveled. A good many have sunken in. They are generally very well sodded. The grass has been neatly cut.

Several marble slabs have been erected by friends; the rest of the graves are marked by head-boards old and faded. The paths between the rows of graves are now grassed over and kept close trimmed. The main walks are well graveled and rolled hard; they are lined on each side by brick gutters in good order. The drainage is good.

The lodge is near the main entrance. It is a stone building, originally built one story high with a flat roof; a Mansard roof was put on last year; there are three rooms on the ground floor and three chambers over them. There is a pretty flower-garden adjoining the lodge, and in the rear a small green-house.

The superintendent takes great interest in the cemetery, and keeps it in excellent order.

The burials made here were principally from the general hospitals in and around Washington, and prior to May 14, 1864.

They are classified as follows, viz:

	Known.	Unknown.	Total.
Union soldiers and sailors	5,092	278	5,370
Rebel prisoners of war	.....	.....	125
Citizens, employés, &c	.....	.....	117
Total interments	.....	.....	5,612

The expenditures to June 30, 1874, are reported at $78,677.95.

Estimate for fiscal year 1875–'76, is, for maintenance and repairs, $1,500.

BATTLE-GROUND NATIONAL CEMETERY.

(A. Armbrecht, superintendent; class 4, $60. Inspected September 18, 1874.)

This cemetery is situated on the Seventh-street road, about half a mile beyond the village of Brightwood, and a little north of Fort Stevens.

The lot is a square of about seventy yards, and contains a little over one acre of level land, purchased by the United States for the sum of

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$2,600. It is inclosed by a rubble-stone wall, laid in mortar, and covered by a red-sandstone coping. The main entrance is in the center of this front. Since the wall was built the road in front of this cemetery has been sunk, graded down, several feet; and a low sustaining-wall has been built to protect the bank and wall above.

It would be an improvement now to replace the upper wall on the front by an iron fence, so that the cemetery could be seen in passing by.

A flight of stone steps leads up to the main entrance. From this entrance an avenue 8 feet wide extends to the center of the opposite side, passing around a circular plat in the center of the lot. A similar avenue crosses the lot also from the center of the north and south sides. In the center of the grounds is a low circular mound on which stands the flagstaff. A graveled path surrounds this mound, and exterior to this path is a circular belt 15 feet wide, in which are the graves of forty Union soldiers (all known) who fell near this place in the skirmish with Early's raiding party, July 12, 1864. These graves are mounded up and sodded, and the grass is neatly cut. They are marked by head-boards, painted and lettered, but old and faded.

A good many trees and shrubs have been planted in this cemetery, and also an Osage-orange hedge just inside the wall. A graveled walk extends around the lot just inside the hedge.

Just south of the main entrance is the lodge. It is built of red sandstone, and was originally one story high, with flat roof, but last season a Mansard roof was put on, giving now three chambers over the three rooms on the ground floor. There is a well of water near the lodge.

A special report was made of the condition of this cemetery on the day of the inspection.

The expenditures to June 30, 1874, are reported at $11,870.13.

Estimate for fiscal year 1875–'76 is $150.

WEST VIRGINIA.

GRAFTON NATIONAL CEMETERY.

(James Murphy, superintendent; class 4, $60. Inspected November 7, 1874.)

This cemetery is about one-half mile southwest of the railway station in Grafton, and is bounded on the north by the Parkersburgh branch of the Baltimore and Ohio Railroad.

The ground is in the form of a rectangle, 387 feet east and west, by 285 feet north and south, as inclosed; but on the south side there is a strip about 50 feet wide, outside the fence, belonging to the cemetery.

There are a little over three acres of hill-side land which have been purchased by the United States for the sum of $3,200 under an appraisement ordered by the United States district court for this district.

The main entrance is in the center of the south side from the county road.

The lot is inclosed by a handsome wooden picket-fence, in good condition, posts, rails, and palings being sound and erect.

A walk 10 feet wide, and paved with brick, extends from the main entrance to the center of the north side, where there is a narrow gate, which is the one mostly used in going to and from town.

The ground originally sloped moderately to the north, but in forming the cemetery two terraces were made within the present inclosure, dividing the grounds into three sections of equal width. Each terrace

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is ascended by a flight of steps connecting the sections of the brick walk above mentioned.

There is also an unfinished terrace outside the southern fence. The upper or southern terrace contains the lodge, out-buildings, and gardens.

The lodge is a one-story wooden cottage, containing three rooms, in good order and quite comfortable. There is a well of water near the lodge.

There is a small flag-staff planted in the brick walk in about the center of the lot.

The graves number twelve hundred and fifty-four; they are arranged in parallel rows in the middle and lower sections. They are all leveled and well sodded, and the grass neatly cut. They are marked by head-boards, painted and lettered, and in pretty good condition.

The interments are classified as follows, viz:

White Union soldiers—

Known	634
Unknown	620
Total	1,254

The bodies were removed from Wheeling, Rich Mountain, and other places in the State.

This cemetery looks very well. There is a fine row of trees growing just inside the fence.

The expenditures to June 30, 1874, are reported at $81,068.30.

Estimate for fiscal year 1875–'76 is as follows, viz:

For maintenance and repairs	$300
For new lodge	4,000
Total	4,300

Recapitulation for District of Columbia and West Virginia.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total Union soldiers.	Citizens and others.	Rebel prisoners of war.
Soldiers' Home, national cemetery	5,092	278	.....	.....	5,370	117	125
Battle Ground, national cemetery	40	.....	.....	.....	40	.....	.....
Congressional Cemetery	79	.....	.....	.....	79	.....	.....
Grafton national cemetery, West Virginia	634	620	.....	.....	1,254	.....	.....
Total interments	5,845	898	.....	.....	6,743	117	125

VIRGINIA.

ARLINGTON NATIONAL CEMETERY.

(F. Kauffman, superintendent; class 1, $75 per month. Inspected July 3, 1874.)

This cemetery is situated on the Virginia side of the Potomac, opposite Washington City, and includes that part of the Custis estate known as Arlington Heights. This whole estate was purchased by the

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United States at tax sale for the sum of $26,800; the portion embraced in the national cemetery cost the Government $4,872.54.

The cemetery grounds front east on the Georgetown and Alexandria turnpike for a distance of about 3,500 feet, and extend west from one-third to one-half of a mile, embracing over two hundred acres of uneven land, mostly wooded, partly with open groves of oak, and partly heavily timbered, with a thick undergrowth besides. This ground has been inclosed by a rubble-stone wall laid in mortar. A coping of North River blue-stone is being put on this season. This wall has been a good deal injured by exposure to the weather for two or three years without a coping. Extensive repairs have been made upon it. The main entrance is situated near the south end of the east front. A massive arched gate-way of Seneca stone (red sandstone) has been erected here; it is not quite completed yet.

A lodge will be required here also. A wide avenue, lined by paved gutters on each side, leads from this entrance up to the old mansion on the heights, which is used as the superintendent's lodge and office.

There are two other entrances for carriages on the east front—one near the north end, the other some three hundred yards farther south. Near each of these two entrances is a small wooden cottage for the gate-keepers, and drives extend from them up to the main avenue on the summit of the hill. The northern drive winds through the open grounds first used for burial purposes. The upper portion of this drive was changed last season to give an easier grade up the heights. It might be still further improved by bringing it up to the front of the mansion from the northeast. It now comes up in the rear.

The old mansion and the outbuildings have been repaired and are now in good order. The flag-staff stands in front of the house. The views from this point are very fine.

There is a flower-garden and green-house just south of the mansion. They are in excellent order, and contain a choice collection of flowers and plants. The green-house has lately been enlarged and improved.

The superintendent is quite an amateur florist, and gives a good deal of attention to the adornment of the grounds with flowers, &c.

A large number of substantial settees have been placed in the grounds this year.

The main avenue passes around two sides of the garden. There is a row of forty-five graves of known Union officers between this avenue and the garden-fence.

A little to the west of the garden is a large vault, containing the remains of twenty-two hundred and eleven Union soldiers, gathered from the battle-fields of Bull Run, Chantilly, &c. Over this vault is a massive granite tomb, surmounted by four field-pieces on their carriages, with piles of cannon-balls between them. A little farther to the west is a large amphitheater, erected last season for use on Decoration Days. It is said to be capable of seating five thousand people.

The superstructure consists of brick columns, square and round, supporting a heavy trellis. Vines have been planted at the foot of the columns, with the expectation of their spreading over the frame-work above and forming a massive arbor. These creepers have grown finely so far.

The greater portion of the burials is made in the southwestern portion of the grounds, which is comparatively a level plateau.

The graves are arranged in long parallel rows. A narrow path extends along the head of the graves in every alternate row. These paths were graveled and formerly kept free from grass, but now they

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are left to grow over with grass, which is a great saving of labor and an improvement in appearance, when the grass is kept close cut. Several graveled walks pass through this section in a direction nearly perpendicular to the rows of graves. The main avenue passes along its north side to the gate-way in the west wall, and a branch drive extends from this gate-way along the west side, just inside the wall, to near the southwest corner, then winds through the burial section in a northeasterly direction to the main avenue.

The graves are all leveled and sodded, but the turf is generally poor. They are mostly marked by head-boards, but several head-stones have been erected by friends, and a few specimen slabs of Ransom's patent concrete have also been put up here by the manufacturers.

A part of this burial section, which is very large, is covered by groves of large oaks, and the rest has been planted with forest and ornamental trees.

The first burials upon the Custis estate were made in the northeast corner of the present inclosure. Not only were white and colored Union soldiers buried here, but also a large number of colored refugees and contrabands, including women and children.

This part of the national cemetery was laid out with taste, and has since been looked after and cared for with the same assiduous attention as the upper burial section.

Some efforts have been made to have the remains of the Union soldiers buried here transferred to the upper section, but no good reason has been given for disturbing these remains. They should be allowed to rest in peace.

The burials in this cemetery are classified as follows, viz:

	Known.	Unknown.	Total.
Commissioned officers	55	1	56
White Union soldiers	7,529	3,847	11,376
Colored Union soldiers	114	229	343
Total number of Union soldiers	7,698	4,077	11,775
Employés and citizens	371	.....	371
Colored refugees and contrabands	3,485	272	3,757
Rebel prisoners of war	357	.....	357
Total	11,911	4,349	16,260

The expenditures at this cemetery up to June 30, 1874, are reported at $368,321.50.

The estimate for fiscal year 1875–'76 is $15,680.

ALEXANDRIA NATIONAL CEMETERY.

(J. V. Davis, superintendent; class 2, $70. Inspected September 15, 1874.)

This cemetery is within the corporate limits of the city of Alexandria, and is just west of and adjoining the city cemeteries. It may be readily reached by the new horse-railroad.

The lot is a rectangle, 740 feet north and south, by 240 feet east and west, and contains a little over four acres of undulating land. Two acres of this land was donated to the United States by the city of Alexandria; the balance was purchased for the sum of $1,025.38. The whole is inclosed by a rubble-stone (red sandstone) wall, laid in mortar, and covered by a coping of North River blue-stone.

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The main entrance is in the center of the east side, and is closed by double iron gates over the carriage-way, and by two small side gates; all supported by four square posts of dressed Seneca stone.

An avenue 15 feet wide extends from this entrance due west to the fountain, which is situated on a natural mound near the center of the lot. The water for this fountain and for the cemetery is supplied from the principal main of the city water-works, for $50 per annum.

A path extends around the basin, and branches lead from it to the centers of the north, south, and west sides of the lot. There is no carriage-drive in this cemetery.

A portion of the paths were paved with cobble-stones; these have been covered with sod, which I think likely to perish in a dry summer.

A new flag-staff has been erected this season.

The grounds are divided into four large sections by the avenue and paths above mentioned.

The lodge is in the southeast section, right at the main entrance. It is built of Seneca stone, is one and a half stories high, with French roof, and contains three rooms on ground-floor, and three chambers; also a cellar. It is a neat-looking cottage, and is very convenient and comfortable, and is kept in good order.

The southwest section contains the green-house, tool-house, an artificial pond, which is fed from the overflow of the fountain, a small vegetable garden, and several flower-beds, laid out in the form of some of the corps badges. These flower-beds look very pretty, but require a great deal of labor.

There are a large number of handsome trees and shrubs in this cemetery, some of them of choice varieties, and most of them growing finely.

An Osage-orange hedge lines the inside of the wall; it is also growing well.

The graves are arranged in parallel rows in the burial sections, with a narrow path between the rows. There are but few graves in the southwest section.

The graves are leveled and covered with a good turf, and the grass is neatly cut.

The graves are generally marked by head-boards, painted and lettered, and many of them are strapped with hoop-iron near the top. They are in pretty fair condition, considering the length of time they have been up.

Several marble slabs have been erected by friends of deceased soldiers.

The interments are classified as follows :

	Known.	Unknown.	Total.
White Union soldiers	3,171	99	3,270
Colored Union soldiers	243	6	249
Citizens	19	1	20
Rebels	31	2	33
Union soldiers shot for desertion	2	.....	2
Total	3,466	108	3,574

These bodies were mostly removed to this cemetery from the places of original interment near the numerous hospitals around Alexandria. The remains of several have since been removed by friends.

A new tool-house has been built during the past year.

The expenditures at this cemetery up to June 30, 1874, are reported at $65,731.27.

The estimate for the fiscal year 1875-'76 is $1,000.

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NATIONAL CEMETERY AT BALL'S BLUFF.

(No superintendent.)

This little cemetry is situated about two miles from Leesburgh, on the Ball's Bluff battle-field. There is no direct road to it, and the approach by carriage is by a roundabout way over a very bad private road.

The lot is a square of sixteen yards, and is inclosed by a rubble-wall of red sand-stone, laid in mortar, and covered with a coping of same material. The entrance is in the center of the south side, and is closed by a light iron gate. There is an Osage-orange hedge along the inside of the wall.

The graves (twenty-five) are arranged on an arc of a circle, leaving a vacant space of perhaps one fourth the circumference in front of the entrance.

The graves are leveled and sodded, and have rose-bushes planted on them. They are marked by head-boards painted and lettered. They are said to contain the remains of fifty-four Union soldiers who fell in the action at this place. All but one are unknown; that is, the remains could not be identified, although the names of all who were killed in that fight are known.

The place is in charge of a citizen who lives near by, and at whose house the key of the cemetery-gate is kept.

The wall is high and the gate is kept locked, so there is very little danger of molestation.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $1,405.

The land has not been paid for yet nor the title vested in the United States.

The estimate for the fiscal year 1875–76 is, for maintenance and repairs, $120.

COLD HARBOR NATIONAL CEMETERY.

(John F. Carl, superintendent; class 3, $65. Inspected July 13, 1874.)

This cemetery is about ten miles northeast of Richmond, via the Nine-mile road. It fronts south on the White House road, and the main entrance is in the center of this front. The lot is a rectangle, about 226 feet east and west by 271 feet north and south, and contains about one and one-half acres of level, sandy land, purchased by the United States for the sum of $506.50. It is inclosed by a brick wall in fair condition. From the main entrance a walk 10 feet wide crosses the lot to the center of the north side, passing around a small circular mound in the center of the lot, upon which stands the flag-staff. A similar walk crosses this one at right angles at the flag-staff mound. These two walks divide the ground into four nearly equal sections. A walk also surrounds these sections just inside the Osage-orange hedge, which lines the inner side of the wall. These walks are lined by brick gutters, except on the north side, where none are needed.

The lodge is near the main entrance. It is built of rubble-stone. Originally it was one story high, with low roof, and contained three rooms. During the past year the flat roof has been replaced by a Mansard roof, which gives three chambers. Blinds are needed for the windows on the ground-floor. The old wooden lodge is to be moved to the northeast corner of the lot and converted into tool-house, &c.

There is a well of good water near the lodge.

The trees sent from Philadelphia three years ago have taken a start

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this year. Some of the other trees, particularly the tulip, have grown well. The hedge is doing well.

A new flag-staff has been erected this season. There is a large iron-gun monument near the flag-staff. The prescribed shield is placed upon it.

The graves are arranged in parallel rows in the four sections. They are all leveled and sodded, and the grass is neatly cut. They are marked by head-boards in pretty good condition.

On the north side of the cemetery are two long trenches, one containing the remains of five hundred and sixty-eight and the other three hundred and twenty-one unknown Union soldiers.

The interments are classified as follows, viz:

White Union soldiers—

Known	672
Unknown	1,278
Total	1,950

The remains of the dead were gathered from the battle-fields of Gaines's Mill and Cold Harbor and other places in this vicinity.

The expenditures on account of this cemetery up to the 30th of June, 1874, are reported at $26,203.11.

The estimate for the fiscal year 1875–'76 is $500.

CITY POINT NATIONAL CEMETERY.

(John Delacroy, superintendent; class 2, $70. Inspected August 6, 1874.)

This cemetery is situated about a mile and a half from the City Point landing on the Appomattox River, and about half a mile west of the Petersburgh and City Point Railroad.

Originally the lot was a rectangle, 620 feet north and south by 420 feet east and west, with a semicircular projection in the center of the east side, having a radius of 110½ feet; but two years ago the lot was enlarged by the addition of 3 feet to each side, to give room for a stone wall without disturbing the Osage-orange hedge. The Government also owns the roadway leading from the main entrance in the center of the projecting semicircle above named to the public road leading to Petersburgh, a distance of six hundred and fifty yards. The whole of this land embraces about eight acres, and has been purchased by the United States for the sum of $1,637.50.

The roadway is open—that is, not fenced in—and is in quite low ground part of the way; it has been raised in these places. The *débris* of the wall was used for the purpose.

The cemetery was formerly inclosed by a wooden picket-fence, but this was removed and a rubble-stone wall built last year. The stone used is a soft, conglomerate sandstone obtained near by. The coping was of the same material.

Both the wall and coping were rejected, and the work was abandoned by the contractor. A coping of North River bluestone is being put on this season by the Quartermaster's Department. About three-fourths of the work is done, and stone for the balance is on the ground.

From the main entrance a drive extends to the right and left along the inside of the wall to the opposite ends of the curved part, then crosses the lot to the west side in two parallel lines, about 220 feet apart. A similar drive crosses the lot from the centers of the north and south sides, dividing the grounds into six large divisions, each of which is subdivided into four sections by paths crossing each other at right angles from the centers of the sides.

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At the intersections of the drives are two circular plats 50 feet in diameter, on one of which is the flag-staff mound; on the other the fine monument erected by the Army of the James in memory of its noble dead. These drives are lined on each side by brick gutters in very good order.

The lodge is in the semicircular projection near the main entrance. It is built of rubble-stone. Originally it was one story high, with low roof, and contained three rooms. During the past year a Mansard roof has been put on this lodge, thus giving three chambers. The lodge has also been otherwise repaired, and is now in pretty good condition.

The old wooden lodge stands just in rear of the new one, and is used as a kitchen and store-room.

The out-buildings and wood-yard have been inclosed by a lattice-fence partially covered with creepers. There is also a well of good water within this inclosure.

The ground in front of the lodge was laid out into flower-beds and grass-plats, with graveled walks surrounding them, when the cemetery was first established.

The building of the lodge has made a slight change of grade necessary here to secure proper drainage. This portion of the grounds has been made quite pretty. Much improvement in appearance has been made during the past year.

Two large iron guns are planted here as monuments. The bronze shield is on one.

The trees in this cemetery are not very promising; additional ones are required, both deciduous and evergreen. The ground is so nearly flat, some relief by grouping of trees and shrubs is desirable.

The Osage-orange hedge along the inside of the wall is uneven and needs trimming.

The graves are arranged in parallel rows in the burial sections. They are generally mounded up and sodded, and are marked by head-boards painted and lettered. A good many graves have sunken in by the breaking down of the coffins, and have been filled up and sodded. The grass is neatly cut. It is Bermuda grass, and keeps fresh and green in this hot, dry weather.

The interments are classified as follows:

	Known.	Unknown.	Total.
White Union soldiers	2,934	850	3,784
Colored Union soldiers	782	587	1,369
Total Union soldiers	3,716	1,437	5,153
Rebel soldiers	.....	.....	151
Total interments	.....	.....	5,304

This cemetery was formally established in 1866; but as it is situated very near the ground used for the general field-hospitals of the Army of the Potomac during the siege of Petersburgh, a portion of the land had been used as a burial ground for the dead from those hospitals. The bodies not originally interred here were removed from a burial ground nearer City Point and from a grave-yard at Point of Rocks, about five miles up the Appomattox.

The expenditures at this cemetery up to 30th June, 1874, are reported at $80,883.89.

The estimate for fiscal year 1875–'76 is $1,000.

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CULPEPER NATIONAL CEMETERY.

(C. W. Hoyme, superintendent; class 3, $65. Inspected August 12, 1874.)

This cemetery is very near the railway station at Culpeper. It is about two hundred yards east of the Orange and Alexandria Railroad, from which it is approached by an avenue 30 feet wide, having a row of forest trees and a wooden picket-fence on each side. Some of these trees have grown well; others have been damaged by cattle, and some few have died. The Government has only the right of way through this avenue, and the owner of the land objects to having it closed by gates to exclude cattle; but by boxing the trees and replacing those that do not thrive by good ones, in a few years a fine effect could be produced. A graveled walk has been built during the past year along one side of this avenue, and is a much-needed improvement.

The cemetery lot is an irregular figure of four sides, having a front of about 500 feet, and an average depth of about 540 feet, and contains six acres of rolling land, which was purchased by the United States for the sum of $1,400.

The lot is inclosed by a brick wall, which was only partially built at the time of this inspection, but has since been completed.

The main entrance is in the center of the west side, at the foot of the avenue leading from the railway.

The ground slopes gently from the railway to this side of the cemetery, then rises quite sharply, particularly at the main entrance, from whence an avenue 16 feet wide extends through the lot to the center of the east side, passing around a small circular grass-plat in the center of the grounds.

A drive 10 feet wide passes through the lot from north to south, intersecting this avenue at right angles at this circular plat, in the center of which is a small mound, upon which stands the new flag-staff. A drive also extends around the entire lot, a few feet inside the fence.

The drives are lined by brick gutters; those along the exterior drive have been taken up to prevent the bricks from being crushed by the hauling of material for the wall. They will be relaid after the wall is finished.

The lot is divided into four nearly equal sections by the drives above described.

The lodge is in the southwest section, right at the main entrance. It is built of rubble-stone of good size; is one and a half stories high, with French roof; and contains three rooms on ground-floor and three chambers. The lodge and out-buildings are in good order and tidy.

There is a small green-house just in rear of the lodge; some handsome flowers and shrubs are successfully cultivated.

A good many small trees, principally oaks and hickories, were left standing when the cemetery was first laid out; most of them have grown well. Some ornamental trees have been transplanted here since, and they too are generally doing well. Some have been injured by the drought this summer.

The Osage-orange hedge has been taken up and the plants "heeled in." They will be reset after the wall is finished.

The graves are mostly in the two sections on the west side of the cemetery. There are a few graves in the southeastern section and one only in the northeastern. These graves are arranged in parallel rows; they are mostly mounded up and sodded, and the grass is neatly cut.

The graves are marked by head-boards, once painted and lettered, though now faded and weather-stained.

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In the grass-plat surrounding the flag-staff mound are the graves of sixteen commissioned officers. A low lattice-fence separates this plat from the drive, except at the east and west entrances, where brick walks lead to the mound. The graves of four other commissioned officers are in the northwest section, just opposite those on that side of this grass-plat.

Two large iron guns are planted vertically as monuments in this part of the cemetery. The prescribed shield is on one of them.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	448	904	1352
Citizens	3	.....	3
Total interments	.....	.....	1355

This cemetery was established in 1866, and the bodies buried here were removed from the places of original interment, most of them being of soldiers who died in the hospitals of the Army of the Potomac, while encamped at Brandy Station, in the winter of 1863 and 1864. The remains of about three hundred and fifty were brought from the battle-field of Cedar Mountain. Some were also brought from Gordonsville and Trevelan Station, and other places in that vicinity.

This cemetery has been much improved in appearance during the past year.

The expenditures for this cemetery up to the 30th June, 1874, are reported at $41,714.03.

The estimate for the fiscal year 1875–'76 is, for maintenance and repairs, $800.

DANVILLE NATIONAL CEMETERY.

(Morris Keim, superintendent; class 4, $60. Inspected June 8, 1874.)

This cemetery is situated within the corporation limits of the city of Danville, and is about one mile south of the center of the town, on the south side of Lee street.

The lot is an irregular figure of four sides, but may be considered as nearly a parallelogram, about 450 feet long east and west by 340 feet wide north and south. It contains three and a half acres of high, rolling land, which has been purchased by the United States for the sum of $1,200. It is inclosed by a rubble stone wall, laid in mortar, and covered by a granite coping. This wall has recently been built, and embraces all the land purchased; whereas the wooden picket-fence, which it replaced, did not include the garden on the west end, nor extend to the colored burying-ground on the south side.

The main entrance has been placed at what was the northeast corner of the former inclosure. This has been done because the new lodge is placed in the vacant ground to the west of the burial sections.

Formerly the main entrance was in the center of the north side, and an avenue extended from it to the center of the south side. A similar avenue crossed this one at right angles at the center of the lot, and extended to the centers of the opposite sides, dividing the ground into four large equal sections. These avenues still remain, and at their intersection is a small mound, upon which stands the flag-staff. A large iron-gun monument is also near this mound.

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The four large sections are subdivided into eight smaller ones by two paths running north and south through their centers. A drive passes around these sections, and was formerly just inside the fence, but now is considerably inside the wall on the south and west sides.

On the south side the Osage-orange hedge has been taken up and reset at the foot of the wall, and on the west side a new hedge has been planted, leaving the one formerly by the fence on that side to separate the garden form the cemetery proper. This is a very good plan. The rest of the hedge is in good order.

The drives and walks are lined by brick gutters on each side, and are in very good order. The wooden culverts should be replaced by vitrified pipe. The drainage is good, as the ground slopes from the center in all directions.

The lodge is a small wooden cottage. It is situated near the former main entrance. It is in poor condition, and is not suitable for a winter residence. The new lodge is contracted for, but the contractor having failed to complete the work, it is now being finished by the Quartermaster's Department, and will soon be ready for occupancy.

When the new lodge is completed it is intended to remove the old one into the vacant lot and use it for a tool-house and store-room. This will improve the appearance of the cemetery, as the graves are close up to the old lodge.

There is a tube-well near the old lodge, but the water is bad and unfit for domestic use. A cistern is to be attached to the new lodge.

There are a good many trees and shrubs in this cemetery. Heretofore they have not grown very well, but this year they seem to have made a good start.

The graves are arranged in parallel rows in the burial sections. They are all leveled and well sodded, and the grass is neatly cut. They are marked by head-boards, old and decayed.

The burials are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	1,126	131	1,257
Colored Union soldiers	37	12	49
Total Union soldiers and sailors	1,163	143	1,306
Citizens			8
Total interments			1,314

The interments were made mostly from the hospitals in Danville for the Union prisoners of war confined there.

This cemetery is in very good order. The superintendent has one man to assist him through the growing season; he is paid $25 per month.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $41,994.16.

The estimate for fiscal year 1875–'76 is as follows: For maintenance and repairs, $600.

FREDERICKSBURGH NATIONAL CEMETERY.

(Charles Fitchett, superintendent; class 1, $75. Inspected July 22, 1874.)

This cemetery is situated about one mile west of the railway station in Fredericksburgh, on what is known as Marye's Heights, the cele-

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brated intrenched position of the rebel army under Lee in December, 1862.

The lot is an irregular figure of several sides. The north side is a right line of 780 feet; the east side fronts on the Spottsylvania Court House road 813 feet, and is slightly bent inward near the middle; the south and west sides are quite broken and irregular, as they follow mostly the windings of the bluff overlooking Hazel Run.

It contains a little over twelve acres of uneven land, purchased by the United States for the sum of $3,001.25. It is inclosed by a brick wall built this season, and which was about half finished at the time of this inspection.

The main entrance is near the north end of the east side, which runs along the foot of the heights. From this entrance an avenue extends up the slope, branching to the right and left, and passing around the greater portion of the grounds (beyond the heights) just within the wall.

The heights have been cut into parallel terraces, eight on the right and nine on the left of the avenue leading up from the main entrance. These terraces have been carefully sodded, and brick gutters placed at the foot of the slopes. They have withstood the action of rain and frost very well, but need constant watching and immediate repair when any break occurs.

The grounds beyond (west of) the terraces are undulating, but comparatively level, and are divided into numerous sections, of different sizes and shapes, by drives passing through them in several directions.

Near the center of this part of the cemetery is a small circular mound upon which is a new flag-staff. The sides of this mound were too steep, and it has been remodeled this year. The old flag staff was blown down last year.

Four large iron guns are planted as monuments around this circular plat.

On the south side of the cemetery, and just above the terraces, is another circular mound. This place has been designated as the location of a monument, should one be erected in this cemetery.

The drives and walks are lined by brick gutters on each side. They have been injured considerably by frost heaving the brick out of place here and there, and are choked by grass and weeds. The drives are considerably cut up by the hauling of material for the wall.

The lodge is near the main entrance, on the lowest terrace north of the avenue. It is built of rubble stone, and originally was one story high, with low roof. During the past season this roof has been replaced by a Mansard roof, which allows a chamber over each of the three rooms on the ground floor. The walls of these rooms have also been furred and lathed and replastered, and are now in good order.

The old lodge is just in rear of the new one, and is used as a kitchen and tool-house.

A green-house has been built in front of the lodge. I consider the location objectionable.

Additional trees and shrubs are needed in this cemetery. The dry season has been injurious to them.

The Osage-orange hedge has been mostly removed during the building of the wall.

The graves are arranged in single rows in the terraces, and in parallel rows in the other burial sections. Those in the terraces were made level originally; the others were mounded up. Many of the latter have fallen in during the past season, and have been filled up and resodded. The grass has been cut lately.

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The graves are marked by head-boards in very poor condition. The graves number six thousand six hundred and five.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	2,476	12,764	15,240
Colored Union soldiers	3	1	4
Total interments	2,479	12,765	15,244

This cemetery was established in 1866, and the bodies were removed from the places of original interment near the battle-fields of Fredericksburgh, Chancellorsville, the "Wilderness," and other places in this section of the State.

The expenditures for this cemetery up to the 30th June, 1874, are reported at $192,114.27.

Estimate for fiscal year 1875–'76 is, for maintenance and repairs, $1,600.

FORT HARRISON NATIONAL CEMETERY.

(William Wright, superintendent; class 4, $60. Inspected July 14, 1874.)

This cemetery is situated on the west side of the Varina road, about one mile south of its junction with the New Market road, and is about eight miles south of Richmond.

The lot, as inclosed by a wooden picket-fence, is a rectangle, 221 feet north and south by 174 feet east and west; but some additional land has recently been purchased on three sides, so that the lot, when inclosed by the new brick wall already contracted for, will have a front on the Varina road of 361 feet, and will be 179 feet in depth, and will embrace a little over one and a half acres of land, purchased by the United States for the sum of $295.32.

From the entrance on the center of the east side a walk 10 feet wide extends to the center of the opposite side. A similar walk crosses this one at right angles in the center of the lot and extends to the centers of the north and south sides. At their intersection is a small circular mound, upon which stands the flag-staff. A large iron-gun monument is planted near this mound. This gun is a 32-pounder, and the bronze shield placed upon it was made for a 24-pounder; still it looks very well

A walk extends around the lot just inside the Osage-orange hedge which lines the inner side of the fence. This kind of hedge will bear clipping during the season of growth, and a good-shaped hedge will be obtained quicker by keeping back the strong growers; that is, by clipping them off and making the hedge uniform in height all the time: thus giving the weaker plants opportunity to catch up in size, and to gain sufficient vigor to maintain their place when once obtained.

The lodge is situated near the main entrance. It is a rubble-stone building. Originally it was one story high, with low roof. The past season a Mansard roof has been put on, thus giving a chamber over each of the three rooms on ground floor. This work was not very well done. Some repairs will be required this fall.

The old lodge stands just in rear of the new one, and is used as a kitchen. It is proposed to remove it to the northwest corner of the lot and convert it into a tool house, &c.

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There is an underground cistern attached to the new lodge. The pump is old and in poor condition.

There are a good many trees and shrubs in this cemetery, and they seem to be growing very well generally.

The contractor for building the wall broke ground last fall for the foundation, but, finding the bricks engaged unsuitable for the purpose, suspended the work for the season. At the time of this inspection he was about to begin the work again, but his bricks were condemned. The work has since been done by the Quartermaster's Department.

The graves are arranged in parallel rows in the four sections. They number five hundred and twenty-six, and are all leveled and well sodded and marked by head-boards.

The interments are classified as follows:

White Union soldiers—

Known	239
Unknown	575
Total	814

The bodies were removed from the places of original interment around Fort Harrison and other places in this vicinity.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $16,675.31.

The estimate for the fiscal year 1875–'76 is, for maintenance and repairs, $600.

GLENDALE NATIONAL CEMETERY.

(Amos J. Potter, superintendent; class 4, $60. Inspected July 17, 1874.)

This cemetery is situated on the east side of the Quaker road, about half a mile south of the junction of the latter with the Charles City road; it is also about two miles north of the battle-field of Malvern Hill.

The fight of Nelson's Farm took place near this locality during the advance of the Army of the Potomac to Harrison's Landing in June, 1862.

The cemetery is about fifteen miles southeast from Richmond, via the Charles City road, which in winter is very bad. Richmond is the nearest available post office. It would be advantageous to the Government to have a post-office opened in this vicinity, with the route via Varina Grove, near the Fort Harrison national cemetery, where another office would be convenient.

The ground for this cemetery, as originally inclosed, was in the form of a square of 285 feet, leaving a strip about 40 feet wide between the Quaker road and front fence; but this fence has since been moved about 20 feet nearer the road. The inclosure now embraces a little over two acres of level land, which was purchased by the United States for the sum of $198.10.

The entrance is in the center of the north side. A walk 10 feet wide extends from this entrance to the center of the south side. A similar walk crosses the lot from the center of the east and west sides (as originally made) at right angles to the first one. At their intersection is a small circular mound, on which is placed the flag-staff. Near this mound is a large iron-gun monument.

The graves are arranged in circles concentric with the walk surrounding the flag-staff mound; these circles extend back nearly to the exterior of the lot at the center of the sides. A circular walk extends around the outer circle of graves, leaving a triangular plat in each of the four corners, those in the south (rear) side being used for vegetable-gardens,

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and those in front, with the strip added, being filled with flower-beds and shrubbery.

An Osage-orange hedge was planted three seasons ago just inside the wooden picket-fence. It has grown very well; and in order that it may not be injured by the building of a wall, 3 feet additional land has been purchased on three sides of the lot.

The contract made some two years ago for building a rubble-stone wall around this cemetery was forfeited. The fence is in bad condition; a wall is needed as soon as funds are available.

The contractor for building a brick lodge having failed to go on with the work, after getting the walls under way, the Quartermaster's Department is now finishing it, and will soon have it ready for occupancy.

The lodge is built in the new style, and looks well. An under-ground cistern is to be attached.

The old lodge has been moved to the south side of the lot and converted into a tool-house, &c.

The graves are arranged in concentric circles around the flag-staff mound. About half of them are leveled and well sodded; the other half are mounded up slightly, and sodded. The grass is well cut. The graves are marked by head-boards in very fair condition. Some few graves (about twenty) are so close to the lodge that it would, I think, be better to remove them to another part of the grounds.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	228	956	1,184
Colored Union soldiers	6	4	10
Total interments	234	960	1,194

This cemetery was established in 1866, and the bodies were removed from the places of original interment near Malvern Hill, Frazier's Farm, Harrison's Landing, and other places in the vicinity.

One man is employed to assist the superintendent; he is paid $25 per month.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $19,232.77.

The estimate for the fiscal year 1875–'76 is—

For maintenance and repairs	$600 00
For building wall	4,720 00
Total	5,320 00

HAMPTON NATIONAL CEMETERY.

(James Browning, superintendent; class 1, $75. Inspected July 14, 1874.)

This cemetery is quite near the village of Hampton, and a little over two miles from Fort Monroe, in a direct line.

The lot is an irregular figure of several sides, six of them being right lines, the balance following the windings of a creek, which bounds the southwest portion, but to the casual observer the lot appears to be a parallelogram about twice as long (north and south) as wide, (east and west.) It contains 11.61 acres of level land, purchased by the United States for the sum of $6,306, and is inclosed by a rubble-stone wall, laid in mortar, and covered by a rough coping.

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The entrance is near the center of the north side, and is closed by double iron gates over the carriage-way, and by a small side gate.

An avenue 20 feet wide leads from this entrance south about 350 feet to the mound upon which the flag-staff stands, where it branches to the right and left, and crosses to the sides of the lot, and then continues at a width of 14 feet, just inside the wall and hedge, until it re-unites at the center of the south side. From this point an avenue 15 feet wide extends north about 300 feet to the handsome granite monument erected through the efforts of Miss D. L. Dix, whose tender care for the soldier has not ceased with his death. This monument stands in the center of a circular grass-plat, 74 feet in diameter, which is inclosed by an iron fence, the posts being 3-inch rifled cannon, (Rodman,) and the pickets musket-barrels, with bayonets fixed. This plat is surrounded by the last-named avenue, which then extends at right angles to the east and west sides of the lot.

The monument, flag staff, and main entrance are on the same right line.

The space between the avenues running east and west from the flag-staff mound and from the center of the monument-plat is about 300 feet wide, and is divided into three sections by two avenues, 15 feet wide, running north and south half way between the central line and the wall on the east and west sides. All these avenues are lined by brick gutters in excellent condition.

Two large iron guns are planted vertically as monuments near the flag-staff; the prescribed shield is placed on one of them.

The lodge is at the main entrance on the east side of the central avenue. It is built of rubble-stone, is one and a half stories high, with Mansard roof, and contains three rooms on ground floor, and three chambers, all tidy and in good order. There are outside shutters, painted green, for the windows.

The outside of the walls is covered with a bluish wash, and then blocked off into something like regular courses of dimension-stone.

The old wooden lodge is just in rear of the new one. It is used as a kitchen, and is in good order and tidy.

There is an under-ground cistern near the new lodge, with a pump attached. It is sheltered by an arbor, to be covered with climbing-roses.

The out-buildings were exposed too much. They have been screened by a lattice-fence, which is to be covered with vines or creepers. The inclosure is large enough for a wood-yard also.

There is an Osage-orange hedge along the inside of the wall. It has grown vigorously, and is now above the wall; but it is to be cut back immediately to the height of the coping.

In the large section opposite the lodge is a stunted peach-orchard and a large wooden chapel, built during the war by the New York Home Missionary Society.

There are a good many small cedars (common junipers) growing in this cemetery, but the deciduous trees are few in number, and generally poor, stunted things.

A variety of forest and ornamental trees is required here. The live-oak (*Quercus virens*) grows at Fort Monroe. With care and perseverance it might be successfully introduced into this cemetery. The surest way would be to plant the acorns.

When this cemetery was laid out and occupied, all of the graves were in the five sections south of the flag-staff mound; but within the past three years several of the inmates of the National Soldiers' Home, located near by, have been buried in the south end of the northeast section, which contains the lodge and other buildings.

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The graves in the other sections are arranged in double parallel rows, feet to feet, with paths 3 feet wide between the rows of head-boards. These graves are all leveled and grassed over, but the turf is generally poor. The grass was neatly cut.

Some of the graves have sunken in this year from the breaking down of the coffins. Many more will probably sink in next spring, when the ground is soft, from the same cause. Pains should be taken to fill up these sunken graves with good soil, and to sod them nicely.

The interments are classified as follows, viz:

	Known.	Unknown.	Total
White Union soldiers	3,600	412	4,0[illegible]
White Union sailors	66	6	7[illegible]
Colored Union soldiers	985	57	1,0[illegible]
Total Union soldiers and sailors	4,651	475	5,1[illegible]
Citizens, women, and children			8[illegible]
Total interments reported			5,2[illegible]

This cemetery was established in 1867. The bodies were removed from the places of original interment, being mostly from the burial-grounds of the general hospitals in this vicinity, but some were removed from Big Bethel, Newport News, Norfolk, Portsmouth, Craney Island, and other places.

The superintendent needs one man to assist him the year round, with some additional labor through the growing-season.

The expenditures at this cemetery up to June 30, 1874, are reported at $66,762.59.

Estimates for fiscal year 1875–'76 is $1,000.

POPLAR GROVE NATIONAL CEMETERY.

(August Miller, superintendent; class 1, $75. Inspected August 5, 1874.)

This cemetery is situated about five miles southeast of the railway station in Petersburgh, and half a mile south of the Weldon Railroad.

"It is within the second line of field-works established by the United States troops, near the left of the position, and is on the camp-ground of the Fortieth Regiment of New York Engineers, who erected a very neat rustic chapel within the camp. This chapel and a grove of small pines by which it was surrounded, no doubt caused the selection of this ground for the cemetery, together with the fact that the final conflict took place near the spot—the capture of Fort Gregg, which caused the retreat of the rebel troops under General Lee.

"The chapel, in a decayed state, has been taken down; and the young pines, from the necessity of cutting their roots in digging the graves, have nearly all died. One-half of the ground is rolling; the other half is flat, giving indifferent drainage. It derives it name from a spring half a mile distant, and a little church called Poplar Grove Church."—(General Thomas's Report.)

The lot originally was a parallelogram, 660 feet east and west by 4[illegible] feet north and south, and contains a little over seven acres; but the addition of one and one-tenth acres on two sides of the southwest corner gives an irregular figure of eight sides. This land (8.13 acres) was purchased by the United States for the sum of $1,500. It is inclosed by a wooden picket-fence in rather poor condition. The contract

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given out two years ago for building a brick wall around this cemetery has not been carried out, and is considered forfeited.

The main entrance is in the west side near the southwest corner. It is approached from the public road from Petersburgh (which runs alongside the Weldon Railway) by a winding drive of about a mile in length through the open fields.

A rubble-stone lodge has been erected near this entrance. It is one story high, with flat roof, and contains three rooms.

The plastering was put on the stone; the rooms were very damp in consequence.

Since this inspection the walls have been furred and lathed and replastered.

This lodge is on the south side of the avenue leading into the cemetery; the stable and out-buildings are on the opposite side of this avenue. They have been remodeled during the past year, and present a good appearance now.

The Osage-orange hedge along the inside of the fence is growing very well this year. It is properly trimmed, and has a uniform growth.

In the northwest portion of the grounds, occupying, perhaps, one-third of the whole lot, is a grove of large pines. A good many small trees have been transplanted in this cemetery, and they are growing better this season than ever before; they have been properly cultivated, and seem to appreciate the attention bestowed upon them.

In about the center of the lot is a circular mound 50 feet in diameter and 8 feet high, on which the new flag-staff is erected. A wide avenue entirely surrounds this mound, and from it four other avenues radiate in curved lines toward the four corners of the lot, and terminate in the circular avenue which surrounds this portion of the cemetery, tangent to three sides of the lot, and passes by the lodge to the main entrance.

Between the four radiating avenues at the flag-staff mound are four circular segments filled with flower-beds and shrubs; a large iron gun is also planted in each of these segments as monuments. The prescribed shield is on one of these guns, and a large shot is placed on the face of each.

In this portion of the grounds the graves are arranged in circles concentric with these segments and extending back to the exterior circular drive. In the remainder of the burial sections the graves are arranged in parallel rows.

The graves are generally mounded up and sodded, but the turf is not good, as the soil is very poor. Some of these have fallen in and have been filled up to the level of the ground; some others have been leveled.

The graves are marked by head-boards or stakes.

The burials are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	2,113	3,744	5,857
White Union sailors	3	.....	3
Colored Union soldiers	60	226	286
Total Union soldiers and sailors	2,176	3,970	6,146
Citizens	6	.....	6
Rebel soldiers	15	23	38
Total interments	2,197	3,993	6,190

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The bodies were removed to this cemetery from the places of original interment, which were mostly within the investing lines around Petersburgh; but some were removed from Reams's Station and other places in this vicinity.

This cemetery is quite tastefully laid out, and looks very well, considering the amount of labor employed.

The expenditures at this cemetery up to June 30, 1874, are reported at $114,148.62.

The estimate for the fiscal year 1875–'76 is as follows, viz:

For maintenance and repairs	$1,000 00
For inclosing wall	11,000 00
Total	12,000 00

RICHMOND NATIONAL CEMETERY.

(P. Hart, superintendent; class 1, $75. Inspected July 15, 1874.)

This cemetery is situated about three miles east of Richmond, on the south side of the Williamsburgh turnpike.

The lot is in the form of a rectangle, 700 feet east and west by 500 feet north and south, and contains a little over eight acres of slightly rolling land, which was purchased by the United States for the sum of $2,400.

The lot is inclosed by a rubble-stone wall laid in mortar. This wall was poorly built; the coping has not yet been put on, and the wall has been injured by exposure to the elements. It has been repaired this season.

A separate contract was made for coping this wall, and the Quartermaster's Department is now completing the work, the contractor having failed to do it.

The main entrance is in the center of the north side from the Williamsburgh pike. It is closed by double iron gates over the carriage-way, and by one small side gate.

From this entrance an avenue 20 feet wide extends to the center of the south side. A similar avenue intersects this one at right angles in the center of the lot, and extends to the centers of the east and west sides. At the intersection of these two avenues is a mound 50 feet in diameter, and 8 feet high, on which stands the flag-staff, which is reported to be much decayed. A new one is to be erected this season.

These two avenues divide the lot into four large equal sections, which are each subdivided into six small sections by paths 10 feet wide, two running north and south and one east and west.

A drive extends around these sections just inside the wall. The drives and walks are lined by brick gutters, and are in pretty good order generally.

The lodge is near the main entrance. It is a brick cottage, one and one-half stories high, with three rooms on ground floor and three chambers under the French roof. There is also a good cellar. The lodge looks well on the outside. The plastering on the inside has been renewed this season.

The out-buildings have been rebuilt this season also, and are much improved in appearance.

There is a green-house attached to the lodge. It needs repairing slightly.

A good many young trees have been transplanted into this cemetery

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om time to time. Generally they have not grown well, but this year ıey have taken a start and seem to promise a fair growth.

The vines and shrubbery about the lodge are in a fine condition, and ive it a bright and cheerful appearance. There is an Osage-orange edge along the inside of the wall on the front of the cemetery; it oks well.

Four large iron-gun monuments are placed at equal distances around ıe base of the flag-staff mound. On the top of this mound is an ar- ır covered with vines and having seats inside. A very good view of ıe cemetery can be obtained from this arbor.

The graves are arranged in parallel rows; they are nearly all leveled ıd marked by head-boards. They are very well sodded, and the grass neatly cut.

The remains of eleven Union soldiers have been transferred from ollywood Cemetery to this cemetery this season. Their graves are ounded up and partially sodded.

The burials are classified as follows, viz:

	Known.	Unknown.	Total.
hite Union soldiers and sailors	826	5,700	6,526
izens, &c	14	.....	14
Total interments	840	5,700	6,540

The bodies were removed from the places of original interment, viz, ɔm the cemeteries near Richmond, where the Union prisoners of war ıo died while in confinement were buried, and from the vicinity of e various battle-fields near by.

The expenditures on account of this cemetery up to June 30, 1874, e reported at $116,753.35,

The estimate for fiscal year 1875–'76 is as follows: For maintenance and ɔairs, $1,200.

One man is needed here the year round to assist the superintendent, ıo has to give much time to visitors, and to office-work, as many let- s of inquiry are addressed to him by friends of deceased soldiers pposed to be buried in the cemetery.

This cemetery is visited by a great many people from the North, and ɔuld be kept in good order at all times. Sufficient labor should be ren to accomplish this object; besides the regular hand, two extra ıorers should be employed through the growing season.

Much improvement in appearance has been made during the past ır.

SEVEN PINES NATIONAL CEMETERY.

(James Kelly, superintendent; class 4, $60. Inspected July 15, 1874.)

This cemetery is situated in the northeast angle formed by the junc- n of the Nine-mile road with the Williamsburgh turnpike, and is ɔut seven miles east of Richmond.

The lot, as inclosed by a wooden picket-fence, is about 200 feet ıare; but there is a strip about 15 feet wide on the south and west es, between the fence and the two roads above named, belonging to Government. This land (a little over an acre) was purchased by United States for $134.33.

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During the past year an additional strip of land, having a front of 40 feet on the Williamsburgh pike and running back the depth of the lot, has been purchased for the site of the lodge for the sum of $40.

The entrance is in the center of the south side from the Williamsburgh pike. A walk 10 feet wide extends from this entrance to the center of the north side. A similar walk crosses this one at right angles at the center of the lot, dividing it into four equal sections. At the intersection of these walks is a small mound, upon which stands the flag-staff, which is much decayed. A large iron-gun monument is planted near this mound. The prescribed bronze shield is placed upon it.

A walk 10 feet wide extends around the lot just inside the Osage-orange hedge which lines the inner side of the fence. The walks are lined by brick gutters in pretty good condition.

A contract was given out two years ago for building a brick wall around this cemetery, but the contract was forfeited. The fence is in poor condition.

A brick lodge, one and a half stories high, with Mansard roof, has been built this season. It contains three rooms on the ground floor, three chambers, and three cellars. It was finished by the Quartermaster's Department, the contractor having failed. It is in good order, and very convenient. The old lodge has been moved in rear of the new. A cistern is needed. The tube-well near the site of the old lodge is not used now, the pump being broken.

The trees and shrubs and the hedge are doing pretty well. The hedge is nicely trimmed. The seven pines planted by the superintendent outside the fence on the south front have grown finely, and will soon form an interesting feature of the place.

The graves are arranged in parallel rows in the four sections. They number seven hundred and ninety, and are all leveled and sodded. The graves are marked by head-boards in very good condition.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	150	1,200	1,350
Colored Union soldiers		7	7
Total interments	150	1,207	1,357

The remains of the dead were gathered from the battle-fields in this vicinity, Fair Oaks, Seven Pines, &c.

The expenditures for this cemetery up to June 30, 1874, are reported at $70,750.58.

Estimate for fiscal year 1875–'76 is as follows:

For maintenance	$500
For wall	3,760
Total	4,260

STAUNTON NATIONAL CEMETERY.

(P. O'Neal, superintendent; class 4, $60. Inspected, August 12, 1874.)

This cemetery is situated about one and a half miles east of the court-house in Staunton, and lies a little south of the Chesapeake and Ohio Railroad.

The lot is nearly a square of 216 feet. It fronts south on the Richmond

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urnpike, and the west side is bounded by the New Hope road. There s a little over one acre of land in the lot. It was purchased by the Jnited States for the sum of $900.

This land slopes considerably but uniformly to the north, giving good rainage. It is inclosed by a rubble-stone wall, laid in mortar, and covred by a rough coping. This work is very badly done, and ought not) have been accepted by the Government agent.

The main entrance is in the center of the south side. It is closed by ouble iron gates over the carriage-way, and by a small side gate. From is entrance an avenue 14 feet wide extends across the lot to the center f the north side, passing around the small circular mound in the center f the grounds, on which the flag-staff stands. A new one has recently een erected in place of the old one, which was blown down last year. gun monument stands near this mound.

A drive 9 feet wide crosses the lot from east to west, intersecting the ain avenue at right angles at the flag-staff circle. The grounds are us divided into four equal sections. Formerly a drive extended ound these sections just inside the wall, but a portion of this drive is since been used for burial purposes, it having been found necessary remove several bodies to make room for the new lodge.

This lodge is placed on the east side of the avenue at the main enance. It is built of rubble-stone, and contains three rooms. It is in od order and tidy.

The old lodge, a wooden frame building, stands in the rear of the w one, and is used as a kitchen, store-room, &c. A wood-shed, tool-use, and privy have all been put under one roof, making a convenient d compact building.

A very deep well has been dug in this cemetery and a wooden pump t in; the water, however, is not good, and a cistern is to be constructed s fall.

The Osage-orange hedge is very uneven, with many gaps, and is not ll trimmed.

On the east side the wall has been built on the Government line, which several feet outside of the line of the old fence. The hedge on that e had to be reset.

The graves were originally arranged in parallel rows in the four secns, with one hundred and sixty graves in each section; but in mak: room for the new lodge, sixty-three bodies were exhumed and reered just inside the hedge, on the north and part of the south side, what was laid out for the exterior drive.

The graves were leveled, but not sodded; grass-seed was sown upon m, and in a year or two more a good turf will probably be produced. grass is neatly cut.

The graves are marked by head-boards, painted and lettered.

The interments are classified as follows, viz:

White Union soldiers—	
own	231
known	521
Total	752

he bodies were removed from the places of original interment, viz, battle-fields of Cross Keys, Port Republic, Waynesborough, Staun- and some other places in this section of the State.

he expenditures for this cemetery up to 30th June, 1874, are reported 77,413.62.

he estimate for the fiscal year 1875–'76 is $600.

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WINCHESTER NATIONAL CEMETERY.

(J. M. Whitty, superintendent; class 2, $70. Inspected August 13, 1874.)

This cemetery is about half a mile east of the railway station in Winchester, on the south side of the Berryville turnpike.

The lot is a rectangle of about 360 feet east and west by 600 feet north and south, and contains about five acres of level land, which was purchased by the United States for the sum of $1,500. It is inclosed by a rubble limestone wall laid in mortar. The original coping has been replaced during the past year by a better one, and the wall has been repaired, so that it is now in pretty good condition.

The main entrance is in the middle of the north side. It is closed by double iron gates over the carriage-way and by a small side gate. The gate-posts need repairing. From this entrance an avenue 10 feet wide extends through the lot to the center of the south side, passing around a small circular mound 50 feet in diameter, upon which the flag-staff is erected. This flag-staff is leaning a good deal, and probably will not stand much longer. A new one is recommended. (It has been blown down since this inspection.)

The main avenue is intersected at right angles at the flag-staff mound by an avenue crossing to the center of the east and west sides. Two wide paths cross the lot from east to west, half way between the flag-staff and the north and south ends respectively. Two other similar paths cross the lot from north to south on each side of the central avenue and half way between it and the west side of the lot. The grounds are thus divided into sixteen large sections, each of which is subdivided by narrow paths into six small squares for burial purposes. At the intersections of the wide paths, which are in the centers of the four large divisions made by the two avenues above named, are small circular mounds 30 feet in diameter. A large iron gun is planted vertically as a monument on each of the two mounds north of the flag-staff. A bronze shield is placed on one of them. A walk 6 feet wide extends around the entire lot just inside the Osage-orange hedge planted at the foot of the wall. This hedge is thin and needs trimming.

The brick gutters lining the drives and walks are in pretty fair condition.

The trees planted in this cemetery have not grown well; many have died and others are stunted. The very severe droughts of last year and the year before are perhaps the cause of this failure; but a better cultivation is needed.

A good many trees, both deciduous and evergreen, are needed to give good effect to these grounds.

The lodge is situated on the east side of the avenue at the main entrance. It is built of rubble limestone, is one story high, with flat roof, and contains three rooms. The old lodge stands in rear of the new, and is used as kitchen and store-room.

There is a tube-well 142 feet deep, worked by a force-pump. The water is now excellent and the supply ample.

A small green-house has been built in front of the lodge; the location is not good, and the style of the building is not well adapted to the purpose desired.

The superintendent has built a small stable at his own expense in the northeast corner of the lot. He states that he had permission to build it.

Since this inspection, the superintendent, P. Sedgwick, has died.

The graves are arranged in parallel rows in the burial sections; they

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are mostly mounded up and sodded and the grass neatly cut. Some few of the graves are fallen in, and the turf on some of the mounds was killed by the very dry weather last year, and has been washed out by subsequent rains.

The graves are generally marked by head-boards, painted and lettered, but now faded and more or less decayed.

The burials in this cemetery were made in sections by States as far as practicable.

In the square appertaining to the State of New Hampshire a handsome granite monument has been erected, by the surviving members of the Fourteenth regiment New Hampshire volunteers, to the memory of their forty-five comrades who fell in the battle of Winchester, September 19, 1864. Recently white-marble head-stones of a neat pattern have also been erected at the graves of these men.

These interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	2,083	2 332	4,415
Colored Union soldiers	3	6	9
Total Union soldiers	2,086	2,338	4,424
Citizens, women and children	16	.....	16
Total in cemetery	2,102	2 338	4 440

The bodies were removed to this cemetery from the places of original interment, viz, the battle-fields near Winchester, Harper's Ferry, Martinsburgh, New Market, Front Royal, and several other places in this section of the State.

The expenditures at this cemetery up to the 30th June, 1874, are reported at $91,349.29.

The estimate for the fiscal year 1875–'76 is $800.

YORKTOWN NATIONAL CEMETERY.

(D. L. Schively, superintendent; class 2, $70. Inspected July 8, 1874.)

This cemetery is situated about one mile south of the landing at Yorktown, on the Hampton and Williamsburgh road, on which it fronts west, and is said to be very near the spot where Cornwallis's army surrendered in October, 1781.

The lot is a rectangle of 325 feet north and south by 352 feet east and west, and contains nearly three acres of level, sandy land, which has been purchased by the United States for the sum of $490. It is inclosed by a wooden picket-fence which is showing signs of decay.

An Osage-orange hedge is growing vigorously just inside the fence. It was about half trimmed at the time of this inspection. It looks well and protects the fence very much.

A contract was given out last year for replacing this fence by a brick wall, but the contract has been forfeited. It would be advisable to have this wall built sufficiently outside the hedge to protect it from injury. Steps are now being taken to secure additional land for this purpose.

The entrance is in the center of the west side. From this entrance a drive extends across the lot to the center of the east side, passing around a small circular mound, on which the flag-staff stands. A

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similar drive crosses the lot from north to south, intersecting the other at right angles at the flag-staff mound, and dividing the grounds into four nearly equal sections; a drive also extends around these sections just inside the hedge. These drives are covered with white marl, rolled hard, and are lined on each side by brick gutters in good order.

The lodge is situated on the south side of the main avenue, at the entrance. It is built of rubble-stone, is one story high, with flat roof, and contains three rooms. It was poorly built, and was not accepted from the contractor as conforming to the specifications. This subject has been mentioned in a special report recommending a cellar under one of the rooms, and outside shutters for the windows, and the replastering of the rooms after furring the wall. It was also recommended that the old wooden lodge be torn down, as it was in a very poor condition, and that a tool-house and privy be built under one roof. These recommendations have been carried out.

There is a well of good water inside the fence, near the lodge, and a cistern is also attached to the latter.

The trees in this cemetery have not grown well heretofore, but this year they are taking a fresh start.

On each side of the main entrance there is a narrow strip extending along the west side, devoted to shrubbery and flower-beds. A large iron gun is planted as a monument in the center of each of these plats. These guns need painting.

The graves are arranged in parallel rows in the four burial sections, each containing three hundred and ninety-nine graves. They are all leveled and pretty well sodded, and the grass neatly cut. The graves are marked by stakes, painted and numbered.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	713	1,410	2,123
Colored Union soldiers and sailors	11	17	28
Citizens	9	6	15
Rebel soldiers	16	1	17
Total interments	749	1,434	2,183

This cemetery was established in 1866. The bodies were removed from the places of original interment, and were principally from the Army of the Potomac while besieging Yorktown, and from the battlefield of Williamsburgh and other places in that vicinity.

The expenditures for this cemetery up to June 30, 1874, are reported at $42,546.34.

The estimate for the fiscal year 1875–'76 is $500.

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Recapitulation for the State of Virginia.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total Union soldiers.	Citizens and others.	Rebel prisoners of war.
Arlington National Cemetery	7,584	3,848	114	229	11,775	4,128	357
Alexandria National Cemetery	3,171	99	243	6	3,519	22	33
Ball's Bluff National Cemtery	.....	.....	.....	.....	.....	.....	.....
Cold Harbor National Cemetery	672	1,278	.....	.....	1,950	.....	.....
City Point National Cemetery	2,934	850	782	587	5,153	.....	151
Culpeper National Cemetery	448	904	.....	.....	1,352	3	.....
Danville National Cemetery	1,126	131	37	12	1,306	8	.....
Fredericksburgh National Cemetery	2,476	12,764	3	1	15,244	.....	.....
Fort Harrison National Cemetery	239	575	.....	.....	814	.....	.....
Glendale National Cemetery	228	956	6	4	1,194	.....	.....
Hampton National Cemetery	3,666	418	985	57	5,126	83	.....
Poplar Grove National Cemetery	2,116	3,744	60	226	6,146	6	38
Richmond National Cemetery	826	5,700	.....	.....	6,526	14	.....
Seven Pines National Cemetery	150	1,200	.....	7	1,357	.....	.....
Staunton National Cemetery	231	521	.....	.....	752	.....	.....
Winchester National Cemetery	2,083	2,332	3	6	4,424	16	.....
Yorktown National Cemetery	713	1,410	11	17	2,151	15	17
	28,644	36,783	2,244	1,152	68,843	4,295	596

NORTH CAROLINA.

RALEIGH NATIONAL CEMETERY.

(George A. Ditchl, superintendent; class 2, $70. Inspected June 7, 1874.)

This cemetery is situated just outside the city limits, and is about one mile east of the State-house.

The lot, as originally inclosed, was a rectangle, 524 feet long north and south by 375 feet wide east and west, but this did not embrace all the land belonging to the United States.

A contract was made two years ago to erect a brick-wall around the whole of the Government land at this place. This makes the lot about

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650 feet long by 455 feet wide; the additions being about 20 feet on the east, 130 feet on the south, and 60 feet on the west sides. The area to be inclosed is a little over seven acres. The land was donated by the State of North Carolina. The contractor having failed to fulfill his contract, the Quartermaster's Department is doing the work at his expense.

A public road passes along the west side, which is the front of the cemetery. On the opposite side of this road is a stone quarry, which has been worked down 15 or 20 feet below the general surface of the ground, and the excavation extends close up to the road opposite the centre of the cemetery, and at the point where the main entrance has been placed. As the road-way is narrow, this approach to the cemetery will be inconvenient. The main entrance, therefore, will be placed a little to the north of the new lodge before the wall is built.

The present inclosure is a horizontal board fence, in poor condition. An Osage-orange hedge has been growing for about three years along the inner side of this fence, and has attained a good size, considering the poorness of the soil, and looks pretty well. When the wall is built this hedge will be out of place on three sides.

The present entrance is in the center of the west side. From this entrance an avenue 15 feet wide extends to the center of the east side, passing around a large square in the center of the lot, upon which is placed a small circular mound supporting the flag-staff. A large iron-gun monument is near this flag-staff mound.

Two similar avenues, running north and south, on the prolongations of the east and west sides of this square, divide the grounds into three long, narrow sections, which are subdivided by the central avenue and six walks, 10 feet wide, running east and west, into twenty-three rectangular sections.

A walk 10 feet wide extends around the grounds just inside the hedge. These walks and drives are covered, more or less, with Bermuda-grass, and are in very good order. When the wall is completed an additional drive will be required, as the grounds are considerably enlarged.

A good many trees and shrubs are growing in this cemetery, and many are doing well. The present superintendent is much interested in horticulture, and is making successful experiments every year. He has also several handsome flower-beds.

The old lodge was formerly situated near the main entrance, just north of the central avenue. It is a wooden cottage of three rooms, and has been moved in rear of the new lodge, and is used as a kitchen and tool-house.

A new brick lodge was built last year. It is situated a short distance north of the site of the old one. It is built in the new style adopted for lodges, viz, one and a half stories high, with French roof and dormer-windows, containing three rooms on ground-floor, three chambers, and a cellar. These buildings are in good order.

The graves are arranged in parallel rows in the several burial sections, where they are classified by States as far as known. They are nearly all leveled and pretty well sodded over. Some portions of the grounds are very poor, and top-dressing with compost or old manure is required to produce good turf.

The graves are marked by head-boards in poor condition.

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The interments are classified as follows, to wit:

	Known.	Unknown.	Total.
White Union soldiers	615	527	1,142
Colored Union soldiers	7	20	27
Total Union soldiers	622	547	1,169
Citizens			4
Total interments			1,173

The bodies were removed from the places of original interment at Avereysborough, Bentonville, Greensborough, Goldsborough, and other places in the State.

The expenditures on account of this cemetery up to the 30th June, 1874, are reported at $25,337.28.

The estimate for the fiscal year 1875 '76 is as follows:

For maintenance and repairs	$700
For grading new drives	500
Total	1,200

NEW BERNE NATIONAL CEMETERY.

(Alexander Jollie, superintendent; class 2, $70. Inspected June 5, 1874.)

This cemetery is about one mile north of the railway-station in New Berne, and fronts east on the Johnson Creek road.

The lot is nearly a rectangle of 825 by 400 feet, and contains seven and one-half acres of level, sandy land, purchased by the United States for the sum of $570.17½. It is inclosed by a wooden picket-fence in very bad condition. This has resulted from the failure of contractors to build the wall.

Since this inspection a new contract has been given out for building a brick wall around this cemetery, and the work was completed in November.

Last year a stone lodge was built. It is one and one-half stories high, with French roof and dormer-windows, and contains three rooms on ground floor, and three chambers. It is in good order and tidy. It is built of shell-rock, a conglomerate of marine shells imbedded in a matrix of natural hydraulic cement. It is of a light drab color and looks very well.

The old wooden lodge is used as tool-house, privy, &c. The lodge is in the southeast corner of the lot, and there is a large open space in front of it which is susceptible of great improvement.

The main entrance is in the center of east side, a little north of the lodge. From this entrance an avenue 20 feet wide extends through the lot to the center of west side.

An avenue 16 feet wide crosses the main avenue at right angles, through the center of the lot, north and south. At their intersection is a small mound, upon which stands a new flag-staff.

A drive 16 feet wide passes around the lot a few feet inside the fence, except on the east side, where it is 187 feet inside the front fence. The portion of the lot embraced by this drive constitutes the cemetery proper, and is divided into four large divisions by the two avenues above

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named, and subdivided into eighteen burial sections by paths 6 feet wide, running north and south.

The graves are arranged in parallel rows in these sections. They are all leveled and are pretty well covered with Bermuda grass.

The graves are marked by head-boards, painted and lettered, but now much faded and decayed.

The walks and drives and gutters are generally very well covered with Bermuda grass. The walks and drives are lined on each side by trees and shrubs. About one-half of the trees were set out last spring; but two hundred or more have been growing for several years, and present a fine, healthy appearance. These are mostly elms, with a few soft maples. There is also a large number of rose-bushes in a healthy condition.

An Osage-orange hedge was planted three years ago around the lot just inside the fence; it has a good thick growth generally, and has been properly cut back. If it is not injured in building the wall, it will soon present a fine appearance.

The eastern end of the lot, besides containing the lodge, gives considerable space for a vegetable garden.

In the northeast corner of the lot is a swampy spot, which is kept wet by the flood-tide setting up the Neuse River, which is quite near. This probably could be drained and much improved by ditching and putting in a sluice-box and tide-gate; or a miniature lake might be formed by excavating the lowest part.

Along the main avenue, in the vicinity of the flag-staff, are fourteen imitation guns (small) planted vertically on their muzzles, and placed opposite each other.

The number of graves is three thousand two hundred and forty-seven. Two graves contain two bodies each, making three thousand two hundred and forty-nine interments, which are classified as follows, viz:

White Union soldiers and sailors, (known)	1,832
White Union soldiers and sailors, (unknown)	873
Colored Union soldiers, (known)	209
Colored Union soldiers, (unknown)	195
Total Union soldiers and sailors	3,109
Citizens, women and children	140
Total interments	3,249

The burials were made by States, so far as known, and the unknown were buried in sections by themselves. From the burial register it would appear that of a large number of the unknown nothing whatever is known, not even that they were Union soldiers; but the published Roll of Honor is more definite.

Some of the burials were made originally here. The remains of the greater number were, however, removed from the places of original interment, viz, old cemetery at New Berne, Beaufort, N. C., Morehead City, Kingston, Hatteras, Roanoke Island, and many other places along the coast of North Carolina.

Several bodies have been removed from this cemetery by friends.

The expenditures up to the 30th June, 1874, were $40,841.87.

The estimate for fiscal year 1875–'76 is as follows, viz: For maintenance and repairs, $750.

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WILMINGTON NATIONAL CEMETERY.

(M. Dillingham, superintendent; class 2, $70. Inspected June 4, 1874.)

This cemetery is situated on the north side of Market-street road, about one and a half miles east of the Wilmington post-office.

The lot is an irregular figure of several sides. It fronts on the public road above named for a distance of seventy yards in a right line, and the west side is also a right line, about two hundred yards long; the remainder of the contour is broken and wavy to conform to the outline of the adjoining marsh.

The lot contains five acres of sandy, undulating land, and was purchased by the United States for the sum of $2,000. It is inclosed by a wooden picket-fence which has recently been repaired considerably, and is now in pretty fair order.

The wooden lodge is reported to be very cold and uncomfortable in winter. It is situated near the main entrance, and is surrounded by a neat flower-garden.

Since this inspection was made a contract has been given out for building a stone lodge at this cemetery, and the work is now in progress.

There is a small cistern attached to the present lodge. There is a woodshed and a small tool-house. All the buildings are tidy.

A drive 15 feet wide extends from the main entrance in the south end, through the grounds to the north end, passing around a small mound in the center of the lot, upon which was formerly placed the flag-staff, but the latter having been stricken down by lightning, a new one has been erected nearer the entrance, and the mound has been cut into a better form and a willow tree planted on its top. A drive also extends around the grounds just inside the fence. These drives are covered with Bermuda grass, which forms a close turf in this sandy soil, and makes a good revetting for the gutters, preventing the sand from drifting by wind or being washed away by heavy rains.

An Osage-orange hedge has been growing two years and more on the inside of the fence, and is looking well. A large number of trees have been transplanted by the superintendent in this cemetery, and he has had very good success with evergreen oaks, (called live-oaks here.) There are also many flowering shrubs in fine, healthy condition.

The graves are arranged in parallel rows; they are leveled and very well covered with Bermuda grass. The graves are marked by headboards or stakes, old and defaced.

The burials are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	646	857	1,503
Colored Union soldiers	55	502	557
Total interments	701	1,359	2,060

The bodies were removed from the places of original interment near Wilmington, Fort Fisher, Fort Johnson, Fayetteville, and other places in the State.

The superintendent has one man to assist him; he is paid $30 per month.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $19,992.22.

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The estimate for fiscal year 1875–'76 is as follows:

For maintenance and repairs	$640
For wall	7,500
Total	8,140

SALISBURY NATIONAL CEMETERY.

(W. H. Richardson, superintendent; class 1, $75. Inspected June 8, 1874.)

This cemetery is situated about half a mile southwest from the center of the town. The North Carolina Railroad passes by it on the north. The Government grounds extend to the railroad's lands. No public road is open to the cemetery, but vehicles can follow alongside the railroad track and enter the lot at the northeast corner.

This lot is about 250 feet wide east and west, and is over 1,000 feet long on an average north and south, and embraces over seven acres of undulating land, which has been purchased by the United States for the sum of $650.

The cemetery proper is in the south end of this lot, and was formerly inclosed by a wooden picket-fence, and contains only about two acres.

A contract has been made for inclosing the whole of the Government land by a rubble-stone wall, to be laid in mortar and covered with a coping. A portion of the wall had been built at the time of this inspection; the part completed embraced the cemetery proper on three sides, east, south, and west.

The ground in front of the cemetery proper is marshy, and a small stream runs through it. This ground could be under-drained readily with tile, and rendered valuable for ornamental purposes.

This cemetery is at present devoid of all natural beauty, and as Congress has appropriated $10,000 for a monument to be erected to the memory of the unknown Union soldiers who died in the prison-pen at this place, it is important the ground should be made as attractive as the circumstances will admit.

To this end, I recommend that a new lodge of the new style be erected near the main entrance to the grounds, and to the east of the road leading to the present lodge, (which is badly situated, and not worth moving,) and that when the new lodge is completed the old one be taken down, and the bricks used in building a bridge over the creek.

The ground occupied by the old lodge is needed in the cemetery proper for other purposes. If this lodge were taken away and the grounds about it properly graded, and the bottom-land drained, an opportunity would be given for planting trees and shrubs with a fair prospect of success. I think the grounds are susceptible of being greatly improved in appearance at a moderate expense.

The entrance to the cemetery proper is in the north side, on a line through the center of the lot. From this entrance an avenue 11 feet wide runs south about 50 feet to the flag-staff mound, then branches to the right and left, and extends around the lot just inside the fence, except on the east side, where it is 30 feet inside the fence, leaving a long, narrow burial section between it and the fence, which contained originally ninety single graves, but thirty-one of those have been removed to the front of the cemetery.

Immediately opposite this section are the trenches in which are buried the remains of eleven thousand Union prisoners of war. These trenches are eighteen in number, and have an average length of 240 feet. Each

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trench is surrounded by a granite curbing to prevent washing, and all are slightly mounded up. They are still quite bare of turf, though a few patches of clover are to be seen.

I again recommend the introduction of Bermuda grass. In two years these trenches might be covered with a good turf were this well done.

On the west of the trenches are three small burial sections, in which are the graves of two hundred and eighty-three Union soldiers, mostly unknown. These interments were made after the place came into the possession of the United States authorities.

The number of burials in the trenches is estimated from the number of bodies exhumed from a given space. No records of these burials have been found, and the numbers who perished in that terrible prison-pen cannot be accurately determined; but the above estimate is thought to be below the real number of deaths.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers in single graves	92	333	425
White Union soldiers in trenches	.....	11,700	11,700
Total interments	92	12,033	12,125

During the past two years several interments have been made from the garrison at Charlotte, N. C. These have been buried near the flag-staff, in the plat intended for the site of the monument.

No contract has yet been awarded for this work. (December, 1874. A contract has been awarded since the above was written.)

The expenditures on account of this cemetery up to June 30, 1874, are reported at $18,117.54.

The estimates for the fiscal year 1875–'76 are as follows:

For maintenance and repairs	$500
For drainage, grading, and improving grounds	1,000
For trees and shrubs	300
For lodge	4,000
For incidentals	100
Total	5,900

Recapitulation for the State of North Carolina.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total Union soldiers.	Citizens and others.
Raleigh National Cemetery	615	527	7	20	1,169	4
New Berne National Cemetery	1,832	873	209	195	3,109	140
Wilmington National Cemetery	646	857	55	502	2,060	.....
Salisbury National Cemetery	92	12,033	.....	.....	12,125	.....
Total interments	3,185	14,290	271	717	18,463	144

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SOUTH CAROLINA.

FLORENCE NATIONAL CEMETERY.

(Samuel McKeown, superintendent; class 3, $65. Inspected June 3, 1874.)

This cemetery is situated about a mile and a half southeast of the railway-station in Florence, on what is called the Morris Bluff road.

The lot is nearly a rectangle, 423 feet long north and south by 379 feet wide east and west, and contains 3.76 acres of level, sandy land, which was purchased by the United States for the sum of $450.

It is inclosed by a high picket-fence in pretty good condition. A contract was made last year to replace this fence by a brick wall, but the work has not been commenced, and the contract has been canceled.

The main entrance is in the center of the south side, which fronts on the public road. An avenue extends from this entrance to the center of the north side. A similar avenue crosses this one at right angles at the center of the lot, and extends east and west to the drive surrounding the lot just inside the fence.

At the intersection of these two avenues is a small mound, upon which stands the flag-staff. There are two gun monuments near by. A bronze shield is on one of them.

The lodge is situated near the main entrance. It is a one-story brick building, 51 by 21 feet, with a piazza 6 feet wide on the north and south sides, and with the roof extending over the piazzas. It is divided into three rooms of equal size. The walls of this lodge were badly cracked, apparently by the weight of the roof. A special report was made in regard to the condition of this lodge, and the necessary repairs have since been made.

The out-buildings (tool-house, wood-shed, and privy) are in good order. A cistern is attached to the lodge.

A few trees from the neighboring woods were transplanted into this cemetery two or three years ago, but they are not growing well. There are a few shrubs which are doing very well. The Carolina cherry, called here "mock-orange," and the "Euonymous," seem to like this sand.

The drives and walks have been planted with Bermuda grass, and in a couple of years will probably be well covered.

The graves are arranged in parallel rows in the four sections into which the lot is divided by the two avenues named above. The rows of graves are separated by paths. These paths are too numerous, and they should be covered with Bermuda grass.

The Union prisoners of war who died in the prison-pen at this place were buried in trenches without coffins, but they were not placed in tiers, as at Salisbury, N. C., but side by side, so that the position of each body could be marked. This, however, was not done in such a way that the graves could be generally identified afterward, although great efforts were made by the United States to obtain the records of the deaths and burials here. After this place came under the control of the United States, the burials were made in single graves, 6 feet apart, and with coffins. These graves are generally leveled; they were never sodded, and there is very little grass on them.

At the time of this inspection, however, they were partially covered with phlox, (then in bloom,) which had probably escaped from a bed or border, and seeded itself. These graves should be planted with Bermuda-grass roots, beginning with those the most naked. In two or three years the whole lot could be covered with grass. The graves are marked with head-boards or stakes.

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Last February the remains of about one hundred and twenty Union soldiers were transferred from the Magnolia Cemetery, near Charleston, S. C., to this cemetery. The old head-boards were brought along also, and reset at the new graves.

The interments are classified as follows, viz:

White Union soldiers and sailors—	
Known	168
Unknown	2,801
Total	2,969

The names of over five hundred more of the Union prisoners who died and were buried here are known, but their graves cannot be identified.

One man is employed the year round to assist the superintendent; he is paid $25 per month.

The expenditures on account of this cemetery up to the 30th June, 1874, are reported at $13,521.69.

The estimate for fiscal year 1876–'76 is as follows, viz:

For maintenance and repairs	$500 00
For trees and plants	100 00
For brick wall	6,000 00
Total	6,600 00

The wall need not be built next year, as the fence will last a few years longer.

BEAUFORT NATIONAL CEMETERY.

(Niles Christensen, superintendent; class 1, $75. Inspected April 15, 1874.)

This cemetery is situated on Port Royal Island, about a mile northeast of the steamboat-wharf at Beaufort, S. C.

The lot is nearly a rectangle, 1,322 feet east and west by an average width of 949 feet north and south, and contains about twenty-nine acres of nearly level sandy land, which was purchased by the United States at a tax-sale for the sum of $75.

The lot is inclosed by a wooden picket-fence in poor condition. A contract was given out some time ago to replace this fence with a brick wall, but the contractor failed to commence the work within the time stipulated, and the contract was annulled.

The main entrance is in the center of the south side, from a public road which passes along that front of the cemetery. The fence on this side is several feet inside the true line.

Inside the fence a border of about 20 feet wide is set apart for shrubbery; then a drive 30 feet wide surrounds the rest of the lot.

An avenue 60 feet wide extends from the main entrance to the center of the opposite side. A small circular mound is in the center of this avenue, a short distance from the main entrance, on which is placed the flag-staff; four smaller mounds are placed at equal distances around the flag-staff mound. A large iron gun is planted vertically as a monument in the center of each of these mounds, and the rest of their surfaces are used as flower-beds. A circular drive incloses these mounds, and from this drive avenues of different widths radiate at regular intervals through one hundred and eighty degrees, and extend to the exterior avenue. The long wedge-shaped sections, into which these avenues divide the grounds, are subdivided by six circular drives having their common center at the flag-staff.

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The drives are more or less covered with Bermuda grass. This, when kept short, will present a much better appearance than white shells or sand, and will save much labor in keeping out weeds.

A large number of trees, many of them of choice varieties, have been transplanted into this cemetery with very good success.

There are four wells in this cemetery. The young trees and shrubs and plants have to be frequently watered by hand in the summer-time to keep them from drying up.

The superintendent is much interested in botany, arboriculture, and landscape-gardening generally, and, with the practical knowledge he will obtain by experience here, will soon become quite proficient in these branches.

The lodge is situated opposite the main entrance, in a separate lot on the south side of the road passing by the cemetery. This lot was leased to the United States by the town of Beaufort for ninety-nine years, on condition that the Government keep it and the grave-yard for colored people adjoining uniformly inclosed. These two lots are now inclosed by wooden fences.

When the wall is built around the cemetery the material in the old fence will be ample to inclose these lots with a good picket-fence.

The lodge is a frame building, quite pretty in design, and in very good repair.

As the locality of this cemetery is found to be very unhealthy for those remaining in it at night, the lodge is not used as a dwelling, but for an office and store-room.

Quarters for the superintendent are rented in the town of Beaufort.

In the lot containing the lodge are the stable and out-buildings. The rest of the ground is used for flowers and vegetable-gardens.

When the wall is built on the bounds of the cemetery there will be ample room for the lodge or office inside the inclosure. It will not, therefore, be advisable to build a permanent inclosure around this lot; but when the present lodge becomes unfit for use, the new one should be put within the cemetery proper.

The graves are arranged in the burial sections in parallel rows generally. They number eight thousand six hundred and twenty-five, and are covered, more or less, with Bermuda grass, which has been lately introduced. They are marked by head-boards in poor condition.

The graves do not occupy all of the burial sections; the vacant ones have been planted with ornamental shrubs. Forest-trees would have been better.

At the north end of the central avenue is a large and handsomely proportioned granite monument, erected through the efforts of Mrs. S. Y. Potter to the memory of "the defenders of American liberty against the great rebellion."

The burials are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	3,773	3,430	7,203
White Union sailors	91	109	200
Colored Union soldiers	795	950	1,745
Total Union soldiers and sailors	4,659	4,489	9,148
Citizens, &c			78
Total interments			9,226

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During the past two years the remains of twenty-one Union soldiers have been brought from Darien, Ga., and re-interred in this cemetery. Fifteen were known, six unknown. The other bodies were removed from the places of original interment, viz, several places in Florida, from the vicinity of Savannah, Ga., and from Charleston, Morris Island, Hilton Head, and other places in South Carolina.

The records of the burials are imperfect.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $28,047.18.

The estimate for the fiscal year 1875–'76, is as follows, viz:

Maintenance and repairs	$2,000 00
Wall	18,000 00
Total	20,000 00

The wall is needed, and if not built next year considerable repairs will be required on the fence.

Recapitulation for the State of South Carolina.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total Union soldiers.	Citizens, &c.
Florence National Cemetery	168	2,801	.....	.....	2,969	.....
Beaufort National Cemetery	3,864	3,539	795	950	9,148	78
Total	4,032	6,340	795	950	12,117	78

GEORGIA.

ANDERSONVILLE NATIONAL CEMETERY.

(Eugene Sullivan, superintendent; class 1, $75. Inspected April 17, 1874.)

This cemetery is situated about half a mile northeast of the railway depot at Anderson, a station on the Southwestern Georgia Railroad, (sixty miles south of Macon,) made memorable as the location of the most loathsome prison-pen of modern times.

The lot set apart for the cemetery is nearly a square of 1,370 feet, and contains a little over forty-three acres of undulating, sandy land, which is inclosed by a wooden fence in good order.

This land, with about eighty acres in addition, have been appraised by commissioners appointed by the United States district court at $3,390. The title is not yet perfected.

The main entrance is in the center of the west side; from it an avenue 30 feet wide extends to the center of the opposite side. A similar avenue crosses this one at right angles at the center of the lot, and extends to the centers of the north and south sides. At this intersection is a large diamond-shaped plat on which stands the flag-staff. These avenues are lined by brick gutters, and are in good order.

Many trees are growing spontaneously in this lot, and in the south-

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eastern section there are a good many large pines. A large number of trees have been transplanted in this cemetery, and with very good success, particularly with the water-oaks.

An Osage-orange hedge has also been cultivated successfully along the inner side of the fence.

A roadway runs from the main entrance west to (and crosses) the railroad.

Outside of the cemetery, and just north of this roadway, is the lodge, a one-story wooden cottage, with basement, in pretty good condition, and tidy. The out-buildings and garden are in rear of the lodge, and also outside the cemetery.

The burials from the prison-pen were made in long trenches, but the bodies were not placed in tiers, as at Salisbury, but singly, side by side, so that each individual grave could be marked.

The burials made by the United States authorities were in single graves, in parallel rows.

The trenches and the single graves are marked by head-boards or stakes, and are pretty well covered with Bermuda-grass, which grows well in a dry, hot sand, like there is here. The trenches are raised about 18 inches above the general level of the ground.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	12,767	839	13,606
Colored Union soldiers	16	95	111
Total interments	12,783	934	13,717

Nearly all of these interments were from the prison-pen. The remains of about nine hundred Union soldiers were removed by the United States authorities from various places in Georgia and Alabama. The remains of one hundred and eighteen rebel prisoners of war are also buried in this cemetery.

John Malony, the late efficient and zealous superintendent of this cemetery, is buried here also.

The expenditures on account of this cemetery up to 30th June, 1874, are reported at $37,742.89.

The estimate for fiscal year 1875–'76 is as follows: For maintenance and repairs, $2,200.

MARIETTA NATIONAL CEMETERY.

(James G. Hughes, superintendent; class 1, $75. Inspected June 26, 1874.)

This cemetery is about half a mile east of the railway station in the village of Marietta. It fronts north on Cole street, and the Rosewelt road bounds it on the south.

The lot is an irregular figure of six sides, but may be considered as nearly a parallelogram, 1,600 feet east and west by 670 feet north and south, and contains nearly 25 acres of undulating land, which was donated to the United States by Mr. N. G. Cole, a citizen of Marietta, who remained loyal to the Union.

The lot is inclosed by a substantial wall, built of rubble-stone, laid in good mortar, and covered with a coping of sawed limestone-slabs 4 inches thick.

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An Osage-orange hedge is growing along the inside of this wall; it was being trimmed at the time of this inspection.

The main entrance is in the northwest corner, and is closed by double iron gates over the carriage-way, and by a small side-gate.

From this entrance the ground rises gently for a considerable distance, then ascends quite rapidly, forming a high, conical hill in about the center of the western half of the lot. On the summit of this hill is placed the flag-staff, in about the center of an oval grass plat 360 feet long by 80 feet wide. A drive surrounds this grass-plat, and paths radiate through it from the flag-staff.

There are five large gun monuments in this vicinity. Each has an 8-inch shot on its face, and the prescribed bronze shield is on one.

From the flag-staff the ground slopes off smartly also to the east and south, but at varying angles, and then rises again gradually to a considerable height in the southwest corner; these two slopes forming quite a pretty valley between them.

From the main entrance a drive winds around and through the cemetery in such a manner as to give good effect to the natural features of the grounds, and to divide them into numerous sections of different sizes and shapes. The drive up to and around the flag-staff is kept clean; the others are overgrown with grass.

The lodge is near the main entrance, in a grove of handsome Spanish oaks. It is a brick building, one story high, containing three rooms. There is also a kitchen in the basement, as it is built upon the slope of a hill.

The lodge was in good repair, and was being whitewashed inside at the time of this inspection.

There is a small wooden building nearer to the main entrance, used for the reception of visitors, and where a register is kept.

A large number of deciduous trees are growing in this cemetery. Some were left as found when the cemetery was laid out. These are now of large size, but the majority of the trees have been transplanted, and they have been quite well arranged generally to add to the natural beauties of the grounds. The addition, however, of a variety of evergreens would give a better effect, particularly in the winter season. A good many ornamental shrubs and flowering plants are also growing finely in the cemetery. The number of rose-bushes is large, and some of the varieties are very fine.

The graves are arranged in concentric circles around the flag-staff hill, with paths radiating through the circles.

In the other burial sections the graves are in parallel rows, either right lines or curving, to conform to the curvature of the surrounding drives. These graves are generally very well covered with Bermuda-grass. A good many have fallen in and will require filling up. The grass would root better and make a firmer turf if it were kept short.

This cemetery is beautifully situated, and very tastefully laid out and adorned; but little is required to be done now except to keep the grounds clean and the grass close cut and the shrubbery properly trimmed; a great deal of labor, however, is required to do this work properly.

The graves are mostly marked by stout stakes; several small monuments have been erected by friends. The one erected by the Twentieth Army Corps is the largest and best.

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The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	6,906	2,974	9,880
Colored Union soldiers	158	67	225
Total Union soldiers and sailors	7,064	3,041	10,105
Citizens, &c			21
Total interments			10,126

The bodies were removed from the national cemetery at Montgomery, Ala., (which was discontinued,) and from Rome, Dalton, Atlanta, and from many other places in Georgia. Several burials have been made since my last inspection from the garrison at Atlanta.

The expenditures on account of this cemetery up to the 30th June, 1874, are reported at $189,793.40.

The estimate for the fiscal year 1875–'76 is as follows, viz: Maintenance and repairs, $1,200.

Recapitulation for the State of Georgia.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total.	Citizens.	Rebel prisoners of war.
Andersonville National Cemetery	12,767	839	16	95	13,717		118
Marietta National Cemetery	6,906	2,974	158	67	10,105	21	.....
Total	19,673	3,813	174	162	23,822	21	118

FLORIDA.

BARRANCAS NATIONAL CEMETERY.

(*No superintendent; class 2, $70. Inspected April 21, 1874.)

This cemetery is situated quite near Barrancas Barracks, nine miles from Pensacola. It can be reached by sail-boat to the barracks or by a circuitous drive over a sandy barren. This is the old cemetery of the marine hospital enlarged. The lot is in the form of a rectangle, 600 feet by 513 feet, and is inclosed by a brick wall 9 feet high, with strong buttresses every 20 feet. It contains a little over seven acres of level sandy land, belonging to the military and naval reservation at this place.

The entrance is in the center of the south side, and is closed by heavy brick piers. An avenue 18 feet wide extends from this entrance to the center of the opposite side. A similar avenue crosses this one at right angles and extends to the centers of the east and west sides. At the intersection of these two avenues is a circular mound 64 feet in

* Superintendent Reich has been transferred from the Mobile to this cemetery on probation.

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diameter and 4 feet high, on which stands the flag-staff. Two large iron-gun monuments stand near this place. These two avenues divide the lot into four nearly equal sections, each of which is subdivided into six plats by paths 12 feet wide, two running east and west, and one north and south.

A drive 12 feet wide extends around the lot just inside the wall. The main avenues and a portion of the drives and walks are paved with inferior bricks, and all are grown over with Bermuda grass and look very well.

The two large sections on the west side of the main avenue contain the graves of the Union soldiers. They are arranged in parallel rows, and number nine hundred and seven. They are all leveled and are partially covered with Bermuda grass. A good many weeds were growing, and immediate mowing was required at the time of this inspection.

The south section on the east side contains the graves of officers and sailors of the United States Navy, most of whom were buried before the late war. These graves are arranged in a similar manner, but have scarcely any grass growing upon them. It is designed to plant Bermuda-grass roots in this section this spring. All of the graves are marked by head-boards or stakes, except a few marked by friends with marble slabs or other stones. These head-boards and stakes are much faded, and many of the names can scarcely be deciphered. Some pines and oaks were left standing when the grounds were cleared up; some few other trees have been successfully transplanted, but there is still a need of foliage.

There are no graves in the northeast section, but it has been cleaned up and improved a little. Cherokee-rose and honeysuckle were planted some three years ago along the foot of the wall (inside) on the south and west and a portion of the north sides. The climbers alternated with each other at a distance of about 10 feet. It was expected that they would cover the wall and make a mass of bloom in the spring, and of pleasing foliage all the year round; but as they were neglected, but very few of them reached the top of the wall, and most of them are spreading out on the ground or along the foot of the wall.

The superintendent has lately been discharged for bad conduct. When a suitable successor has been secured, this cemetery may be much improved at very little expense.

The lodge is outside the cemetery, in front of the southeast corner. It is a brick building, one story high, 51 by 21 feet, with a piazza 6 feet wide on east and west sides, the roof projecting over the piazzas. This lodge has just been repaired and put in good order. A cistern is attached to it. There are front and back yards, inclosed by light wooden picket-fences in good order. These yards can be made attractive with very little pains.

The burials are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	384	271	655
White Union sailors	113	225	338
Colored Union soldiers	154	98	252
Total Union soldiers and sailors	651	594	1,245
Citizens, children, &c	24	59	83
Rebel soldiers	60	12	72
Total interments	735	665	1,400

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Quite a number of interments have been made from the garrison since the war.

The expenditures at this cemetery up to June 30, 1874, are reported at $28,490.18.

The estimate for fiscal year 1875–'76 is, for maintenance and repairs, $500.

In the city cemetery near Tallahassee there are buried forty-one white Union soldiers, all known; and in the cemetery on the military reservation at Saint Augustine there are buried eighty-two white Union soldiers, forty-two known and forty unknown. There are also buried in the cemeteries at the military posts of Fort Taylor, Key West, and Fort Johnson, Tortugas, white Union soldiers as follows, viz:

	Known.	Unknown.	Total.
Key West	128	246	374
Tortugas	95	19	114
Total	223	265	488

Doubtless many of these burials took place before the war of the rebellion.

Recapitulation for the State of Florida.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total.	Citizens.	Rebel prisoners of war.
Barrancas National Cemetery	497	496	154	98	1,245	83	73
Tallahassee City Cemetery	41	.....	.....	.....	41	.....	.....
Saint Augustine Military Cemetery	42	40	.....	.....	82	.....	.....
Key West Military Cemetery	128	246	.....	.....	374	.....	.....
Tortugas Military Cemetery	95	19	.....	.....	114	.....	.....
Total	803	801	154	98	1,856	83	73

ALABAMA.

MOBILE NATIONAL CEMETERY.

(*Charles Reich, superintendent; class 1, $75. Inspected April 23, 1873.)

This cemetery is situated within the Magnolia Cemetery, belonging to the city of Mobile, and is about two and a half miles southwest of the post-office, by the street-cars, which run to the north gate of the corporation grounds.

The lot is an irregular figure of four sides, but is nearly a rectangle 440 feet east and west by 280 feet north and south, and contains about three acres of level, sandy land, which was donated to the United States by the city authorities. It is inclosed by a brick wall in good order.

* Henry Richardson has been appointed superintendent in his place, and is now in charge of the cemetery.

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The main entrance is in the center of the south side, and is closed by louble iron gates. A similar entrance is in the center of the opposite ide, and is the one principally used, the cemetery association not having et opened the main avenue which is designed to pass by the south ront of the Government grounds. These two entrances are connected y a drive, which divides in the center of the lot and passes around a ircular mound, some 20 feet in diameter at the base and 10 feet high, n which stands the flag-staff. This mound is very steep, but the sides re in very good order, considering the amount of rain recently.

A wide path crosses the lot from the centers of the east and west sides, nd, with the drive, divides the ground into four nearly equal sections.

The lodge is placed in the southeast section by the main entrance. It s a one-story wooden cottage, containing two rooms, and has a wide iazza all round it.

During the past year this lodge has been raised about 4 feet from the round, and is now kept in that position by brick piers; it has also been epaired, and is in good order. The locality has been considered very nhealthy, but the present superintendent has experienced no ill effects rom the climate, but has been injured by prophylactics.

There is a cistern attached to the lodge; it is in poor condition. Since his inspection it has been replaced by a new one.

The tool-house is in rear of the lodge, but the privy has been put di-ectly in front; it has since been removed.

There is a fine row of water-oaks along the inside of the wall all round the lot; some of them are already quite handsome.

There are many magnolias (*M. grandiflora*) in the cemetery, and most f them seem to be growing well. Several were in bloom at the time of y visit.

The graves number eight hundred and fifty-seven, and are arranged parallel rows in the three burial sections. They are nearly all leveled, nd are covered with turf, but the grass is poor and filled with weeds.

The superintendent was directed to have these sections mowed as on as possible, and to keep the grass cut short all through the grow-g season.

The graves are marked by head-boards or stakes, old and faded.

The iron gates and the flag-staff need painting.

The interments are classified as follows:

	Known.	Unknown.	Total.
hite Union soldiers and sailors	590	21	611
lored Union soldiers	124	91	215
nployés	23	.....	23
omen and children	8	.....	8
Total interments	745	112	857

The bodies were removed from the places of original interment at orts Morgan and Gaines, and from Pollard, Conecuh, and other places the State.

The superintendent has one man to assist him, the year round; with is help the cemetery ought to be kept in perfect order.

The garrison having been removed from the United States barracks, ich are near this cemetery, Superintendent Reich was transferred, on my recommendation, to the cemetery near Barrancas barracks,

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(Florida,) in order that he might be under the immediate supervision of an officer of the Army.

The expenditures at this cemetery up to the 30th June, 1874, are reported at $14,418.61.

The estimate for the fiscal year 1875–'76 is, for maintenance and repairs, $400.

MISSISSIPPI.

NATCHEZ NATIONAL CEMETERY.

(*John Trindle, superintendent; class 1, $75. Inspected February 7, 1873.)

This cemetery is situated on the bluff overlooking the Mississippi River, about two miles north of the landing at Natchez, on the east side of the up-river road.

The lot may be called an irregular figure of four sides, although the west side follows the windings of the road, which conforms to the curvatures of the bluff. This side is about 740 feet in extent. The other sides are right lines. The lot contains a little over eleven acres of very uneven land, which was purchased by the United States for the sum of $1,800. It is inclosed by a handsome brick wall just completed. This wall has been placed at the foot of the slope, close to the road, on the west side.

In building this wall most of the pyracantha hedge was removed. Some remains still on the west side, but it has not grown well there, although it flourishes in this vicinity.

The entrance to the cemetery is in the southwest corner of the lot, very near the foot of the bluff on that side. It is closed by double iron gates over the carriage-way, and by a small side gate.

From this entrance an avenue 16 feet wide extends around the lot at varying distances from the wall, and winds around and across the bluff in various directions, dividing the ground into numerous sections of different sizes and shapes. This bluff being high and steep, and irregular in form, immense labor has been required to cut it into its present shape. and the expense has been too great for the results obtained, although the cemetery appears to good advantage.

Since my last inspection the slopes of the terraces have been remodeled. Some of them are still too steep, and show signs of slipping down.

The brick gutters and culverts remain in good order generally; now and then a soft brick may be seen crumbling to pieces.

The concrete walks are wearing out fast, and will need repairing soon. The bluff is so steep that in heavy rains the surface-water rushes over these walks (which serve as gutters, being a little lower than the general surface) with such force that the concrete gives way gradually, and, if not repaired, will in a little while be undermined and ruined.

The drives are graveled and rolled hard and kept clean, but they are washing and gullying in places. They should be covered with Bermuda grass for protection and to save labor.

On the summit of the bluff is an oval mound of large size, on which the flag-staff formerly stood. A new one has been ordered. This is a very commanding position.

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* Superintendent Trindle has been transferred to the Vicksburgh National Cemetery. Superintendent John W. Nash has been transferred to this cemetery from Baton Rouge, La.

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A good many trees have been transplanted in this cemetery, and seem to be doing well generally. The locusts, first planted for a "sylvan hall," have been replaced by oaks; they are still too thick.

On the north side the grounds extend beyond the bluff into the bottom-land, where a vegetable-garden is established.

Near the northeast corner is a large circular plat, raised a few feet above the surrounding ground, in which are buried the remains of several commissioned officers.

The lodge is at the foot of the bluff, near the main entrance. It is a one-story brick building, 51 by 21 feet, having a piazza all around, with the roof projecting over it. It contains three rooms. The lodge is in good repair. A cistern is attached to it, and is covered by an arbor of lattice-work situated about 30 feet in rear of northwest corner of lodge.

The tool-house and privy are similarly covered, and are arranged in a line with the cistern, parallel with the rear piazza. Much good taste has been displayed in these arrangements.

The graves are arranged in parallel rows or concentric curves in the burial sections. They are all leveled, and are generally very well covered with Bermuda grass, which has been kept close cut. A good many have been filled up the past winter, and Bermuda-grass roots planted upon them. The graves are marked by stakes placed at the first and last grave in each row, with the corresponding number of the grave marked upon them respectively, thus: 1–50; 51–100, and so on; and as the distance between each grave is known and entered in the register of burials, the position of any particular grave can be determined by measurement.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	*212	352	564
Colored Union soldiers	93	2,428	2,521
Total Union soldiers and sailors	305	2,780	3,085

* Four commissioned officers.

The bodies were removed from the places of original interment in various localities in Louisiana and Mississippi, within a radius of fifty miles.

The superintendent has three hands to assist him; they are paid $35 per month. There is a great deal of work to be done in this cemetery, and constant watch is required to discover and repair any damages to the slopes as soon as they occur, to prevent serious injury. This is the great defect of this cemetery; for if left to itself, without care, it would soon be ruined and washed into deep gullies.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $83,555.28.

The estimate for the fiscal year 187 is, for maintenance and repairs, $1,500.

VICKSBURGH NATIONAL CEMETERY.

(*Alexander Henry, superintendent; class 1, $75. Inspected May 8, 1874.)

This cemetery is situated about two miles north of the landings at Vicksburgh, on the west side of the Yazoo City road, on which it fronts

* Superintendent Henry has been transferred to the Baton Rouge cemetery. Superintendent Trindle, transferred from the Natchez cemetery, is in charge of this cemetery.

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about six hundred yards, and from which it extends back to the Mississippi River, some four hundred yards distant.

The lot is a very irregular figure of many sides, and contains forty acres of very uneven land, purchased by the United States for the sum of $9,000. It is inclosed, except on the river side, by a light, wooden picket-fence, in poor condition. This fence is to be replaced by a brick wall, which has been contracted for. Since this inspection, considerable progress has been made on this wall.

A deep ravine bounds the cemetery on the south side, and a portion of the fence on that side has been carried away by a land-slide. It will be difficult to make a wall stand here; probably it will be found advisable to place it at the bottom of the slope on this side.

Originally this ground was mostly a high, irregular bluff, deeply cleft by gullies running down to the bottom-land bordering the river.

The summit of the bluff, which was near the road and in about the center of the front (east) side, was leveled off into a gently sloping plateau, where was located the lodge, out-buildings, and flag-staff. A series of terraces was then made to encircle this plateau on three sides, viz, north, west, and south, and these terraces were the burial sections. Soon after this work was completed and the interments made, the cemetery was nearly ruined by the sliding down of a large portion of the terraces, after a long storm of rain and snow. Since then the cemetery has been rebuilt to a great extent, under the direction of a skillful civil engineer, Mr. Gall. The first step taken was to underdrain the whole lot with tiles to carry off the water that was constantly oozing out of the bluff, and then, with vitrified pipes, open brick gutters, and culverts, ample conduits were provided for carrying off the surface water. This work has all been done in the very best manner and with excellent materials. The terraces have been rebuilt with easier slopes, and most of them have remained firm; some few are still too steep, and show signs of giving way. They will require to be watched constantly in wet weather, and to be instantly repaired if a break occurs.

The graves are arranged in the terraces, and are all leveled and planted with Bermuda grass, which has formed a good, strong, compact turf generally.

The graves are not marked by head-boards or stakes, but an accurate chart has been made, giving the exact position of each grave.

Rows of trees have been transplanted along the alternate rows of graves, each tree being placed at the head of a grave and noted also on the chart. These trees are mostly Spanish oaks.

Small brick pyramids covered with cement were placed in the burial sections, with the number of graves noted on them, and also indicating where the numbering commenced. These pyramids have been injured by the mowing-machine (used in cutting the grass) running against them; also by the scaling off of the cement stucco.

Some of the trees have been injured by the mowing-machine also. I do not like the idea of farming in the national cemeteries; it is inconsistent with the sentiment which has established and maintained them. Besides, the grass should never be allowed to grow long enough to cut for hay, but should be kept short on the grave-plats like a lawn, not only for beauty of appearance, but for the preservation of the grass roots. If the grass is allowed to mature, it will exhaust itself much quicker than if kept short during the growing months.

Some of the graves are sunken in and require filling up. It is important that the graves should be promptly filled up when they sink in; otherwise they become receptacles for surface-water, which will then

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ooze through this slippery clay and endanger the slopes of the terraces.

The main entrance is on the summit of the bluff, a little north of the lodge, which is a one-story brick building, 51 by 21 feet, with a piazza 6 feet wide on the east and west sides, and the roof projecting over the piazzas. It contains three rooms. The views from the west side of the lodge are very fine.

During the last year a small brick office has been erected just inside the main entrance. This allows the whole of the lodge to be used by the superintendent and his family.

In the southeast corner of the cemetery is another entrance, and from it a fine graveled drive extends west along the south side (close to the upper edge of the ravine) about two-thirds of the depth of the lot, then turns north and winds around below the terraces to the Yazoo road, which it enters about one hundred and fifty yards north of the main entrance, near the lodge. From this main entrance another drive sweeps with a graceful curve around the lawn on the west of the lodge, and then descends through the terraces to the main drive, near the large natural mound left just outside the southwest corner of the bottom terrace. All of these drives are lined by brick gutters, which are generally in very good condition; the cement is wearing out in some places. The superintendent informed me that he repaired them by pouring into the joints a grout of cement.

The brick culverts are all in good order. This work is all done in the most substantial manner, and will require but little repairing under ordinary circumstances.

There is danger of the drive being undermined near the southwest corner by the sliding down of the bank below the road. A large slide occurred a short time before this visit, and almost reached the roadway.

To the west of the main drive the ground is quite low, and is liable to be overflowed by back-water from the Mississippi. A large circular mound was constructed in this low ground for a burial section for soldiers of the Regular Army. It was badly injured by the high water a few years ago, but it has been repaired and is now in good order. To the north of this mound is a thick growth of cotton-wood and some other trees. The stables have been placed in this part of the grounds.

The trees and shrubs and flower-beds look well. A small green-house has been built during the past year. The pyracantha hedge along the road is very uneven. It will have to be removed before the wall is built. The hedge along a portion of the avenue is also of this plant, which is a species of hawthorn, and shows how beautiful it can be made by cultivation and careful pruning.

One gun-monument has been erected. Several other guns are at the cemetery, to be placed as monuments in different parts of the grounds.

This cemetery is in pretty good order, and presents a very handsome appearance where the grass is cut.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	*3,761	6,675	10,436
Colored Union soldiers	147	6,005	6,152
Total Union soldiers	3,908	12,680	16,588

* Seventy-five commissioned officers.

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The bodies were removed from the places of original interment as follows: From the Union lines around Vicksburgh, from Jackson, Meridian, Grand Gulf, Chickasaw Bayou, and other places in Mississippi, Louisiana, and Arkansas.

The expenditures up to the 30th of June, 1874, are reported at $289,421.03.

The estimate for the fiscal year 1875–'76 is—

For maintenance and repairs	$5,000
For trees and plants	500
Total	5,500

CORINTH NATIONAL CEMETERY.

(*William. A. Graham, superintendent, class 1; $75. Inspected June 25, 1874.)

This cemetery is situated about three-fourths of a mile southeast from the railway station in Corinth.

The lot, as originally inclosed, was a square of 933½ feet, leaving an acre outside the inclosure on the north side. The whole purchase by the United States was twenty acres, for which the sum of $3,500 was paid.

The wooden fence has been replaced by a brick wall; many of the bricks used were soft-burnt, and have disentegrated already. Some repairs have been made on this wall and more are required.

The front wall on the south side is built of better brick. The main entrance is in the center of this front, and is closed by double iron gates over the carriage-way. These gates were hung on brick piers, but they have been replaced by stone posts.

From the main entrance an avenue 30 feet wide extends north through the lot, passing around a small circular plat near the north side, on which stands the flag-staff.

The ground rises gently, but irregularly, from the front of the cemetery to the ridge on which this flag-staff stands, then falls off gently, but more rapidly, to the north. Two large iron-gun monuments are placed near the flag-staff.

A drive 16 feet wide, laid out on an undulating curve, extends around the lot at a distance from the inside of the wall, varying from 30 to 100 feet, or thereabouts.

Two other drives 16 feet wide, one on each side of the central avenue and at equal distances from it, cross the lot north and south; and two similar drives cross them at right angles, dividing the grounds into twelve sections, of different sizes and shapes, for burial purposes; while the portion between the wall and the exterior drive is devoted to gardens and grass-plats, besides containing the lodge and out-buildings.

A row of deciduous trees (mostly soft maples) is planted on each side of the several drives and the main avenue; they are not generally growing well. A few evergreens (*coniferæ*) are also scattered through the grounds. A greater variety of the latter would improve the appearance of the cemetery, particularly in the winter months.

There is an Osage-orange hedge along the inside of the wall. It is growing pretty well, except on the north side. It needs trimming.

The drainage is very good in this cemetery, but the large brick gutters need cementing.

* Superintendent Graham was transferred to the national cemetery at Pittsburgh Landing, and Superintendent Tressell was transferred from that cemetery to this one upon their mutual requests.

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The lodge is situated on the south front, a little distance to the east of the main entrance. A small gate-way is opposite it in the front wall.

The lodge is built of brick, one and one-half stories high, with French roof, and contains three rooms on the ground-floor, and three chambers over them; there is also a cellar. Some slight repairs are needed to the walls inside; also to the chimney-tops.

An under-ground cistern is attached to the lodge, and is covered by an arbor. There is also a well near the main entrance. It is protected from the sun by a large arbor, which is covered by climbing rose-bushes, and is said to be very showy while they are in bloom.

The stables and out-buildings are to the east of the lodge, and are in good order.

The graves are arranged in parallel rows in the burial sections. They are all leveled, and many of them have fallen in by the breaking down of the coffins; earth will have to be hauled in to fill them up.

The grass in this cemetery is bunchy. There is very little good continuous turf, but it can be improved by frequent and close cutting during the growing season.

When the sunken graves are filled up they should be well sodded, if possible, and in this way great improvement could be made.

The grass had not been cut at the time of this inspection. A special report was made at the time.

The graves are marked by numbered stakes in poor condition. In the center of each section there was originally a square wooden post painted white, with the letter designating the section put on each side near the top in black. These posts have been replaced by others made of stone during the past year.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	1,801	3,605	5,406
Colored Union soldiers	.....	288	288
Total Union soldiers	1,801	3,893	5,694
Children	.....	.....	2
Total interments	.....	.....	5,696

The bodies were removed from the places of original interment around Corinth, and from Iuka, Tuscumbia, Holly Springs, Grenada, and many other places in Mississippi, Alabama, and Tennessee.

The expenditures on account of this cemetery up to the 30th June, 1874, are reported at $104,828.20.

The estimate for the fiscal year 1875–'76 is as follows:

For maintenance and repairs	$1,200
For trees and plants	300
For extra repairs to wall	1,000
Total	2,500

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Recapitulation for the State of Mississippi.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total Union soldiers.	Citizens.
Natchez National Cemetery	212	352	90	2,428	3,085	....
Vicksburgh National Cemetery	3,761	6,675	147	6,005	16,588	....
Corinth National Cemetery	1,801	3,605		288	5,694	2
Total	5,774	10,622	240	8,721	25,367	2

LOUISIANA.

CHALMETTE NATIONAL CEMETERY.

(P. P. Carroll, superintendent; class 1, $75. Inspected May 1, 1874.)

This cemetery is situated on a portion of the old battle-field, six miles below New Orleans.

The lot is quite long, and very narrow proportionately, having a front on the east along the Mississippi River of 250 feet, and running back perpendicularly 2,317 feet. It contains 13.6 acres of level land, donated to the United States by the city of New Orleans. It is inclosed by a new brick wall on the sides and by a light iron fence on the ends.

The main entrance is in the center of the river-front. A drive 16 feet wide extends from it to the center of the opposite end, where there is a gate-way, but no outlet. A receiving-vault is placed in the roadway at this end, and the return drive passes around it. This drive is covered with shells, and has a good ditch on each side, revetted with brick set in cement. The drive is also bordered by a row of trees on each side. The new flag-staff stands on a very small mound in front of the main entrance. Formerly the flag-staff stood on a small circular mound in the central avenue, and there were also three other similar mounds in this drive, but they have all been leveled, though the circular plats remain, the drive dividing and inclosing them. Formerly the front of the cemetery was about two hundred yards in the rear of the present front, and the flower-gardens then established still remain, and divide the cemetery into two parts, the portion between these gardens and the river being the addition.

The lodge is situated near the main entrance. It is a one-story brick building, 51 by 21 feet, containing three rooms, with a piazza on the east and west sides, the roof projecting over the piazzas. The lodge is not convenient nor ornamental, and is rendered more unsightly by having a kitchen partitioned off on the back piazza. One of the new style of lodges would be much more appropriate here. There are some handsome flower-beds about the lodge; also four gun-monuments set in masonry.

More trees and shrubbery are needed in this cemetery. The magnolias have mostly died. The evergreens (cedars and arbor-vitæs) are doing very well. The Osage-orange hedge is poor.

The front fence is placed several feet inside the Government bounds,

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and formerly a stable was placed outside, almost in front of the lodge; but it was burnt down accidentally. A new one has been erected inside the inclosure; and it and the wood-yard and out-buildings are screened from the drive by a lattice-fence, which is to be covered with honeysuckle. This is a great improvement.

The grounds are so badly proportioned that they cannot be laid out with any variety of forms. Most of the ground on each side of the drive is divided into uniform rectangular plats, 54 by 48 feet, by paths 4 feet wide.

There is a vacant lot adjoining this cemetery on the city side. It has been used as a burying-ground, and still belongs to the city of New Orleans. If it could be obtained as an addition to this cemetery, it would give a front and a width of about double that of the present grounds, and permit of handsome improvements in the ornamentation of the cemetery.

The present grounds having been donated by the city authorities, it would seem incumbent on the Government to improve them handsomely. To this end I would recommend the purchasing of the additional ground above referred to, if it can be obtained at a reasonable price.

The graves are arranged in parallel rows in the rectangular burial plats above mentioned. Those that are full contain ninety-six graves each—eight rows of twelve graves. These graves are all leveled, and about half of them are covered well with Bermuda grass. The balance of the graves are covered with a coarse grass, which could be much improved by close and frequent cutting.

The graves are marked by head-boards and stakes. The former are in pretty good order, and mark rather more than half of the graves; the latter are only used to mark the first and last grave in each row in the sections formerly marked by rough stakes, which have been removed.

Most of these sections are in the rear or far end of the cemetery, where the ground is low and wet. They should be graded up a foot or more.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	4,896	5,307	10,203
Colored Union soldiers	1,622	207	1,829
Total interments	6,518	5,514	12,032

The bodies were removed from many places in the State.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $182,247.84.

The estimate for the fiscal year 1875–'76 is as follows:

For maintenance and repairs	$2,000
For trees and plants	300
For new lodge	4,000
Total	6,300

ALEXANDRIA NATIONAL CEMETERY.

(G. Fitzgerald, superintendent; class 2, $70. Inspected April 27, 1874.)

This cemetery is situated about one mile east of the landing at Pineville, on the Red River, immediately opposite Alexandria.

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The village extends already nearly to the cemetery, and seems to be still growing in that direction.

The lot is a rectangle, 612 by 564 feet, containing eight acres of undulating land, inclosed by a wooden picket-fence in pretty good order. The title to this land is not yet vested in the United States.

The main entrance is in the center of the west side. It is surmounted by a handsome wooden arch, and is closed by double wooden gates. From this entrance an avenue 24 feet wide extends to the center of the opposite side. A similar avenue crosses this one at right angles at the center of the lot, and extends to the centers of the north and south sides. At the intersection of these two avenues is a small circular mound, upon which stands the flag-staff.

A drive extends around the lot, just inside the fence, except on the west side, where there is a strip of land 45 feet wide between the drive and the fence, which is occupied by the lodge and out-buildings, flower-gardens, shrubbery, &c.

The lodge is near the main entrance. It is a neat wooden cottage, containing three rooms in pretty good order. The office is rather dingy with smoke. There is a very pretty garden in front. A small cistern is attached to the lodge. There is also a well near the lodge. A new well has just been dug near the flag-staff.

The two main drives are lined on each side by a row of water-oaks, mostly planted during the past winter. They do not look healthy, but this variety of oak grows well in this vicinity. I saw some very large and handsome ones. There are also a good many shrubs in this cemetery, among them the sweet bay and crape myrtle.

The Osage-orange hedge along the inner side of the fence has not been well cultivated nor properly trimmed this year. The growth has therefore been small.

The four large sections into which the lot is divided by the two avenues are each subdivided by walks 8 feet wide into sixteen rectangular plats for burial purposes. Of these sixty-four plats only twenty-two contain graves.

The vacant plats could be easily improved by filling them with forest-trees, which in a few years, by proper thinning out, would make a handsome grove.

The graves are arranged in parallel rows. They are all leveled, and generally are well covered with turf. During the past year many of the graves fell in by the breaking down of the coffins. These have not all been filled up yet, but they are to be filled and sodded immediately. They are all marked by head-boards or stakes in poor condition.

The drainage in this cemetery has been very much improved during the last two years.

Two large iron-gun monuments are placed near the main entrance. The prescribed shield is on one of them.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	445	622	1,067
Colored Union soldiers	62	142	204
Total Union soldiers and sailors	507	764	1,271
Citizens	12	.....	12
Total interments	.....	.....	1,283

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The bodies were removed from Shreveport, Natchitoches, Bayou Delplase, Colite Landing, and other places in Louisiana, and from Jefferson and Tyler, in Texas.

The expenditures on account of this cemetery up to the 30th June, 1874, are reported at $17,638.95.

The estimate for the fiscal year 1875–'76 is as follows:

For maintenance and repairs	$1,000
For trees and shrubs	150
For brick lodge	4,000
For wall	10,000
	15,150

The wall and lodge can be postponed, if necessary, as the present lodge and fence are in fair condition, and will last several years yet.

NATIONAL CEMETERY NEAR PORT HUDSON.

(George B. Craft, superintendent; class 1, $75. Inspected May 4, 1874.)

This cemetery is situated in low ground beyond the bluff at Port Hudson, and is nearly two miles southeast of the landing at that place.

The lot, as inclosed, is in the form of a rectangle, 689 feet east and west by 508 feet north and south, and contains about eight acres of almost level land, purchased by the United States for the sum of $3,000. The inclosure is a wooden picket-fence in good order.

The entrance is in the center of the west side, and is closed by double wooden gates over the carriage-way. The Government has the right of way, and has built a road from this entrance to the public road on the bluff overlooking the Mississippi River, about a mile distant.

From the main entrance an avenue 30 feet wide extends to the center of the opposite side. A drive 18 feet wide crosses this avenue at right angles, and extends to the centers of the north and south sides. At their intersection is a small circular mound, upon which stands the flagstaff.

A drive 14 feet wide extends around the lot, 6 feet inside the fence, except on the west side, where it is 60 feet inside the fence. There is also a drive 14 feet wide on each side of the central avenue, half way between it and the drives on the north and south sides.

The lot is divided by these drives and the central avenue into eight long, narrow sections, and these are subdivided by paths into small squares for burial purposes.

The lodge is near the main entrance. It is a wooden cottage, containing three rooms, and is in pretty good condition. The stables and outbuildings are also in good order.

A good many trees and shrubs have been transplanted in this cemetery, and seem to be growing very well generally. Some are already quite large. There are also some handsome flower-beds well stocked with plants.

The drainage has been much improved by obtaining an outlet for the ditch exterior to the fence.

The Osage-orange hedge along the inside of the fence is of fair growth. It is found that the hedge on the south side is a few feet outside the true line. When the brick wall is built, (and the work of making the brick was in progress near by at the time of this inspection,) this part of the hedge will therefore be outside the cemetery. There is such a fine row of water-oaks on this side that it will hardly be worth while to replant the hedge.

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The vacant plats—that is, those not occupied by graves—are used as gardens.

During the past year two gun monuments have been erected in this cemetery. They are planted in masonry in the central avenue, one near each end.

The graves are arranged in parallel rows in the burial sections. They are all leveled, and many have fallen in from the breaking down of the coffins. It will be necessary to haul earth to fill them up. Authority has been given for doing this work. The turf on the graves is pretty good, except in the eastern section.

There is some broom-sedge that should be weeded out. Bermuda grass is growing finely on the avenues and drives and walks, and is kept neatly cut. This grass will soon cover all the grave-plats also.

The graves are marked by head-boards and stakes.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	329	.....	329
Colored Union soldiers	257	.....	257
Union soldiers, unclassified	.....	3,208	3,208
Total Union soldiers and sailors	586	3,208	3,794
Citizens	.....	.....	10
Total interments	.....	.....	3,804

The burials were from the hospitals of the investing army, and from the killed in the actions about Port Hudson. Bodies were also removed from Bayou Sara, Morganzia, and other places, and buried here.

The expenditure on account of this cemetery up to June 30, 1874, are reported at $35,784.94.

The estimate for the fiscal year 1875–'76 is as follows: For maintenance and repairs, $1,300.

The lodge will answer for a few years longer.

NATIONAL CEMETERY AT BATON ROUGE.

(John W. Nash, superintendent; class 2, $70. Inspected May 5, 1874.)

This cemetery is within the corporate limits of the city, and is a little over one mile east of the Mississippi River, measured on Florida street, which runs along its north side.

The lot is a rectangle, 1,010 feet east and west by 320 north and south, and contains a little over seven acres of undulating land, which was purchased by the United States for the sum of $3,600. It is inclosed by a wooden picket-fence in good order.

The main entrance is in the center of the west side, from Dufrocq street, which runs along that front. From this entrance an avenue 30 feet wide extends through the lot to the center of the east side; a space 16 feet wide in the center of this avenue is covered with shells. The ground in the center of this lot is low and naturally marshy, but rises gradually both to the east and the west. Formerly a small stream ran through it obliquely from southwest to northeast. When the cemetery was laid out this stream was diverted from its natural course by a canal running along the south side (outside the fence) to the east end; but as this did not work well, an open wooden culvert of large size was put in across

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the cemetery, near the former bed of the stream. This culvert was washed out by heavy rains. It has been replaced during the past year by a large oval brick culvert, with lateral tile drains running into it.

The ground in the vicinity has been raised above the crown of the culvert, and laid out into flower-beds. The improvement is great, and of a permanent character.

In addition to the central avenue, there is a drive around the lot just inside the fence, except along the front, where it is about 60 feet inside the fence; the intervening space being devoted to flower and vegetable gardens and shrubbery.

There are also two paths 6 feet wide, half way between the central avenue and the drive along the north and south sides, and then there are thirteen cross-walks at right angles to the long ones, dividing the lot into fifty-two squares of 60 feet each, forty-three of which are used for burial purposes.

A flag-staff has been erected in the central avenue near the lodge; it was being painted at the time of this inspection.

The lodge is near the main entrance. It is a neat wooden cottage, containing three rooms, and is in good order and tidy. A cistern is attached to the lodge.

Two large iron-gun monuments are placed in the central avenue.

An Osage-orange hedge has been growing along the inner side of the fence for three years past; it has now made a strong growth, and is kept well trimmed.

A good many trees and shrubs are growing in this cemetery, and are looking well, particularly the water-oaks.

The graves are arranged in parallel rows in the burial sections; they are all leveled and well covered with turf; the grass is cut short; they are marked by head-boards in pretty good order.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	2,267	483	2,750
Colored Union soldiers	173	5	178
Total Union soldiers	2,440	488	2,928
Citizens			6
Total interments			2,934

The original burials were from the hospital and the battle-field near this place; bodies were also removed from Plaquemine, La., and from Camden, Ark.

This cemetery has been much improved in appearance since my previous inspection.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $32,552.07.

The estimate for the fiscal year 1875–'76 is as follows:

For maintenance and repairs	$1,000
For trees and plants	140
Total	1,140

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Recapitulation for the State of Louisiana.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Unknown and unclassified.	Total.	Citizens.
Chalmette National Cemetery	4,896	5,307	1,622	207	.....	12,032	.....
Alexandria National Cemetery	445	622	62	142	.....	1,271	12
Port Hudson National Cemetery	329	.....	257	.....	3,208	3,794	10
Baton Rouge National Cemetery	2,267	483	173	5	.....	2,928	6
Fort Saint Philip Cemetery	31	11	25	260	.....	327	.....
Total interments	7,968	6,423	2,139	614	3,208	20,352	28

TEXAS.

NATIONAL CEMETERY AT SAN ANTONIO.

(Peter McKenna, superintendent; class 4, $60. Inspected by Lieutenant-Colonel Tompkins, December 9, 1874.)

This cemetery is situated about one mile east of the plaza in San Antonio, on a gentle eminence overlooking the town. The lot is nearly a square of 285 feet, and contains about two acres, donated by the city of San Antonio to the United States. It is inclosed by a limestone wall laid in cement, and covered by a heavy coping beveled on top and projecting three inches over on each side.

The main entrance is in the center of the south side. It is closed by double iron gates over the carriage-way and by two small side gates. Similar gate-ways are on the opposite side, but are not much used. From the main entrance is a drive extending to and around the large circular plat in the center of the lot, with branches extending from the circle to the centers of the other three sides, thus dividing the grounds into four equal sections in the four corners of the lot, besides the circular plat in the center. This latter part contains a small mound in its center, on which stands the flag-staff. This mound is surrounded by a walk and then by a grass plat 120 feet in diameter, which is divided into four equal sections by paths running through it at right angles to each other. This circular plat is used for the burial of officers and members of their families. The remains of some of the officers of the old Army who died in San Antonio or vicinity years ago have been exhumed and re-interred in this cemetery.

A walk 6 feet wide extends around the lot and a few feet inside the wall.

There is considerable mesquite growing spontaneously here, and some ornamental shrubs have been transplanted here with success, but soil has been brought in and artificial watering resorted to.

The lodge is situated near the main entrance, in the southwest section. It is a small stone building, containing two rooms. It is stuccoed on the

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outside, and has a very high, steep roof, and presents quite a pretty appearance. It has recently been repaired. A cistern is attached to it. A tool-house and out-building have been erected during the present season near the lodge.

The graves are mostly in the two sections on the east side of the lot. A few colored soldiers are buried in the northwest section.

The graves are all mounded up and well sodded, except a few recently made. They are mostly marked by limestone blocks 10 inches square and 2 feet long. These blocks are placed at the head of the graves, so that the top of the block shall be just on a level with the top of the grave.

The name, regiment, &c., of the deceased, as well as the number of the grave, are cut upon the blocks. This stone is very soft and is easily worked; it is perishable, but is more durable than wood. The blocks cost $3.95 apiece put up.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	200	104	304
Colored Union soldiers	7	4	11
Total Union soldiers	207	108	315
Citizens, women and children	19	.....	19
Total interments	.....	.....	334

The bodies were removed from the uninclosed city cemetery, from Austin, Indianola, and other places in the State, and more recently from the cemeteries at abandoned military posts.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $16,760.31.

The estimate for the fiscal year 1875–'76 is as follows, viz:

For maintenance and repairs	$500
For trees and plants	150
Total	650

BROWNSVILLE NATIONAL CEMETERY.

(Martin Schmidt, superintendent; class 2, $70. Inspected by General Schriver, inspector-general; also by G. D. Chenoweth, civil engineer, December, 1874.)

This cemetery is situated a short distance south of the barracks at Fort Brown, on a small island formed by a lagoon, fed probably from the Rio Grande, which is near by. This island is oval in form, about 1,150 feet long, with an average width of about 512 feet, and contains twenty-five and a half acres of low, level land, purchased by the United States for the sum of $5,000, paid into the United States district court. About six acres of this land are laid out in the form of a rectangle for the cemetery. It is approached from the garrison by a ferry over the lagoon, which is about 400 feet wide.

An avenue 20 feet wide runs through this lot lengthwise, dividing it into two equal parts; paths 10 feet wide, two on each side of the central avenue and parallel with it, and four perpendicular to it, divide the grounds into thirty sections. There is also a circular plat around the flag-staff.

The sections used for burial purposes are raised about one foot above the walks. The surface drainage is pretty good.

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Many trees and shrubs have been transplanted into this cemetery, and they are doing well generally; and some are reported as quite large already; more, however, are required. The palmetto, palm, and other native trees and shrubs are to be tried. This cemetery is not inclosed, but a wooden fence crosses the island just east of the cemetery, and separates it from the portion used as a cattle-pasture. This fence needs repairing.

A brick lodge, built in the new style adopted, has been completed this season. It is reported as being well located and built of good materials. A cistern is to be attached to it. At present the water for domestic use has to be brought from the garrison. The out-buildings are in good order. The old frame lodge is to be removed from the front of the new one. There are four gun monuments in this cemetery. The graves are arranged in parallel rows; those in the circular plat about the flag-staff in concentric circles. These graves are covered more or less with native grass. They are marked by marble head-stones lately erected; but this work has not been fully completed yet, some of the stones being unsatisfactory, and the setting defective. The burial sections will need considerable cleaning up and replacing of sod after this work is finished.

The drives and walks have also been cut up by hauling the head-stones. Some of these have already been repaired; the balance will be during the winter.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	540	245	785
Colored Union soldiers	973	1,165	2,138
Citizens, &c	19		19
Total interments	1,532	1,410	2,942

The bodies were removed from the places of original interment at Indianola, Galveston, Lavaca, Victoria, Ringgold Barracks, Loredo, Brazos Santiago, and other places in the State.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $28,602.22.

The estimate for the fiscal year 1875–'76 is:

For maintenance and repairs	$900
For trees and plants	100
Total	1,000

Recapitulation for the State of Texas.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total.	Citizens.
San Antonio National Cemetery	200	104	7	4	315	19
Brownsville National Cemetery	540	245	973	1,165	2,923	19
Total interments	740	349	980	1,169	3,238	38

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ARKANSAS.

FAYETTEVILLE NATIONAL CEMETERY.

(Mathias Glynn, superintendent; class 4, $60. Inspected October 29, 1874.)

This cemetery is situated about one mile southwest of the court-house.

The lot is a rectangle, about 462 feet wide east and west by 564 feet long north and south, and contains nearly six acres of rolling land, which, with the right of way to the county road, was purchased by the United States for the sum of $700. It is inclosed by a brick wall finished this year. It is built of good materials and looks well. The entrance is in the center of the north side. It is closed by double iron gates over the carriage-way, and by two small side gates, all hung on stone piers.

This new wall is outside the former line of the cemetery on the north side about 100 feet; on the other sides it is a little within the old line. The Osage-orange hedge planted inside the fence has not been disturbed on the north side, but was taken up and reset inside the new wall on the other sides. The very dry weather since has injured this part very much.

The cemetery occupies the summit of a small hill which slopes gently in all directions, giving good drainage, and proper outlets have been provided through the wall.

In the center of the original lot is a circular plat 60 feet in diameter, in the center of which stands the flag-staff; around this plat is an avenue 20 feet wide. Exterior to this avenue are six triangular plats, long and narrow, placed at equal distances along the circumference, and having paths on the long sides, which unite at the vertices and extend to the exterior drive which surrounded the original lot and was tangent to the center of the four sides.

The placing of the wall on the true lines has encroached upon this exterior drive upon the south side so much as to render it impracticable for use.

The triangular plats above named were designed to give a star-shape to the central part of the cemetery. The vertices of the plats or rays of the star are united in such a manner as to give diamond-shaped plats between the triangles, and leaving outside of them six equal sections (circular segments) for burial purposes.

The triangular plats contain the graves of a few officers. The diamond-shaped plats between them are used for ornamental purposes, shrubbery, and flower-beds.

There is a row of poplars around the central avenue; they are growing well. There are a good many other trees here, but they have been injured by the dry weather a good deal. The evergreens (cedars) have been topped, and will never make handsome trees, though they may be trimmed into fancy shapes.

The new brick lodge is situated near the main entrance. It is one and a half stories high, with Mansard roof, and contains three rooms on ground-floor, three chambers, and three cellars. It is built of good materials, and is in good order and tidy.

There is a well of water near the lodge, and an under-ground cistern is to be attached this fall.

The old lodge, a frame building, has been removed to near the northwest corner of the lot, and is used as a tool-house.

The graves are arranged in concentric circles, commencing along the

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inner edge of the exterior drive. They are all leveled and sodded, but the turf is poor; the grass is properly cut. The graves are marked by stakes.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	430	770	1,200
Citizens			5
Total interments			1,205

The remains were removed from the battle-field of Pea Ridge, from Prairie Grove, Cane Hill, and many other places in this part of the State.

This cemetery is finely located, and looks well. It has been very much improved lately.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $24,217,79.

The estimate for fiscal year 1875–'76 is $750.

FORT SMITH NATIONAL CEMETERY.

(David Allen, superintendent; class 3, $65. Inspected October 27, 1874.)

This cemetery is situated a little south of the village of Fort Smith, on the military reservation, and is the old post cemetery enlarged.

The lot is now a rectangle, 425 feet wide north and south, and about 1,024 feet long east and west, and contains ten acres of undulating land. It is inclosed by a new brick wall in good condition.

The main entrance is in the center of the east end. It is closed by double iron gates over the carriage-way, and by a small side gate, also of iron, all hung on stone posts. There is also a small gate-way in the south side, in rear of the lodge.

The "Choctaw line road" passes the cemetery on the east, and the river Porteau bounds it on the west.

In building the wall the grounds have been enlarged so as to embrace the lodge and give a regular figure to the lot.

From the main entrance a wide avenue has been opened to the former entrance to the cemetery proper. From this latter point a drive extends around the original lot.

Two other drives diverge from this point also, a little way to the right and left, and then extend to the west end of the lot, at equal distances from each other and from the drives along the north and south sides. These, with two cross-drives, divide this part of the grounds into nine sections, six of which are of equal size and similar in form, and are used for burial purposes. The other three sections are small, and are used for ornamental purposes. The flag-staff and two gun-monuments are located in them.

The grading of these drives to conform to the grading about the wall is not finished, but will be during the winter.

The drainage in this cemetery has been systematically arranged, and when finished will be very complete and of a permanent character; but little more is to be done.

The lodge is situated on the south side of the new avenue, near the

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ld entrance to the cemetery. It is a one-story stone building, 51 by 1 feet, with a piazza 6 feet wide on the north and south sides; the nain roof projecting over the piazzas. It contains three rooms in good rder, one of which is used as an office.

This lodge is too small for a family; and I have recommended that a itchen be built in the rear, connecting the south piazza and the new ool-house.

There is a flower-garden about the lodge, and a vegetable-garden in he rear; also a well.

The new ground taken in front of the lodge is covered with weeds. t is designed to plough this up this fall and put it in grass for a awn.

In what was the old post cemetery there is a fine grove of oaks. Many oung trees have been transplanted into the first addition; these are nostly elms, and are growing very well.

Additional trees and shrubs will be required for the recent addition.

The graves are arranged in parallel rows in the burial sections. They re all leveled and well sodded, and the grass is properly cut. They re marked by stakes.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
hite Union soldiers and sailors	538	952	1,490
olored Union soldiers	40	3	43
Total Union soldiers and sailors	578	955	1,533
ebel soldiers	.....	.....	125
omen, children, and others	.....	.....	171
Total interments	.....	.....	1,829

The old post cemetery was established in 1832, and most of the burls in it were from the garrison before the late war.

The expenditures on account of this cemetery up to June 30, 1874, re reported at $23,147.67.

The estimate for the fiscal year 1875–'76 is $1,500.

LITTLE ROCK NATIONAL CEMETERY.

(John Flynn, superintendent; class 1, $75. Inspected November 3, 1874.)

This cemetery is situated on the west side of the Pine Bluff road, out two miles southeast of the State-house, and is about one mile south the old arsenal, now the post of Little Rock.

The lot is a rectangle, 818 feet north and south by 642 feet east and est, and contains a little over twelve acres of undulating land, which as purchased by the United States for the sum of $1,818. It is inosed by a rubble-stone wall, laid in mortar, and covered by a coping of in slabs of rough sandstone.

The main entrance is in the center of the west side. It is closed by uble iron gates over the carriage-way, and by a small side gate, also iron. From this entrance a drive extends around the lot a few feet side the wall. Between this drive and the wall is a young hedge of racantha, (a species of hawthorn,) which has been carefully cultivated, d is looking healthy and vigorous, though quite small.

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Other drives pass through the grounds in several directions, and divide them into twelve sections of various sizes and shapes.

One of these sections, nearly oval in form, lies in about the center of the lot, and is known as the officers' section. A little to the north and west of this section is the mound upon which the flag-staff stands.

The drive from the main entrance to and around this oval section and the mound has recently been gravelled anew, and has been partially lined by brick gutters. The other drives have been overgrown with grass more or less.

Work has been commenced on the drainage of this cemetery, but it has not been finished yet. Thorough under-draining with agricultural tile is needed here.

The present season has been remarkably dry in this locality, and the trees transplanted into this cemetery have suffered severely. Nearly all of the evergreens (pines, &c.) have died.

The lodge is situated near the main entrance. It is a one-story brick building, 51 by 21 feet, with a piazza 6 feet wide on the east and west sides, the main roof projecting over the piazzas. It contains three rooms, one being the office, all in good order and tidy. This plan of lodge does not give room sufficient for a family with children.

I have made a special report relative to this cemetery, and have recommended the building of a kitchen in rear of the lodge.

The stable, tool-house, and out-buildings are in pretty good order.

There is a small vegetable-garden in rear of lodge, separated from the rest of the grounds by a light wooden picket-fence. There is a cistern attached to the lodge, and there is a well near by; both are covered by wooden arbors.

There are fou gun monuments in the cemetery; they are set in masonry nearly to the trunnions, and do not look well.

The graves are arranged in parallel rows in the burial sections. These burial sections have been overrun with broom-sedge, a coarse, bunchy grass. An attempt has been made this season to get rid of this grass, and several sections have been grubbed over with hoes and these grass-roots removed. These sections have been top-dressed with manure, and grass-seed is to be sown on them.

Work of this kind was going on at the time of this inspection. This, with the effects of the drought, made the cemetery appear to disadvantage. Much labor will be required next year to put this cemetery in good order.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	2,783	1,953	4,736
Colored Union soldiers and sailors	374	724	1,098
Citizens	.....	.....	9
Total interments	3,147	2,677	5,843

The bodies were removed from the places of original interment at Pine Bluff, Devall's Bluff, and many other places in the State.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $53,843.86.

The estimate for the fiscal year 1875–'76 is $1,700.

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Recapitulation for the State of Arkansas.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total Union soldiers.	Citizens, &c.	Rebel prisoners of war.
Fayetteville National Cemetery	430	770	.....	.....	1,200	5	.....
Fort Smith National Cemetery	538	952	40	3	1,533	171	125
Little Rock National Cemetery	2,783	1,953	374	724	5,834	9	.....
Total interments	3,751	3,675	414	727	8,567	185	125

TENNESSEE.

MEMPHIS NATIONAL CEMETERY.

(W. H. Taylor, superintendent; class 1, $75. Inspected June 22, 1874.)

This cemetery is situated on the east side of the Louisville and Memphis Railroad, about seven miles northeast of the court-house, in Memphis. There is a station right in the front of the main entrance, where passenger-trains stop daily.

The lot, as inclosed by the new brick wall, is nearly a rectangle, 881 feet wide north and south, and averaging about 1,800 feet in length east and west, and contains a little over thirty-six acres of level land. There are also about seven acres more of land on the east of this lot belonging to the Government. This part is inclosed by a wooden picket-fence where the wall does not bound it. The whole of this land (nearly forty-four acres) was purchased by the United States for the sum of $9,817.56.

The main entrance is in the center of the west side. It is closed by double iron gates. The entrance is wider and the gates larger and stronger than those at most cemeteries.

During the past year a new brick lodge has been erected near the main entrance. It is in the new style and is well built, and looks well. The grounds about the lodge had not been quite completed at the time of this inspection. Since then the old wooden lodge has been removed, a wooden fence built around the back yard, and other improvements.

From the main entrance an avenue 30 feet wide extends through the lot to the center of the opposide side, passing around a small mound near the front, and a large circular plat in the center of the grounds. The flag-staff stands on the mound, and the circular plat is used as the burial for the dead of the Regular Army and Navy.

Another avenue 30 feet wide intersects the central one at right angles at this central circle, and divides the lot into four large sections, which are surrounded by a drive 25 feet wide, except the northeast section. Paths at right angles to each other run through these sections, and divide them into rectangular burial plats of different sizes.

This cemetery being located on low, level ground, was naturally wet, and in rainy seasons liable to be overflowed. In order to carry off this surface-water, extensive open drains were made some years ago; and as they were lined or revetted with plank, they soon became more

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or less defective through decay. During the past two years these open drains have been replaced by a system of thorough under-drainage, with tiles, flowing into silt basins, and thence into mains made of large earthen pipe, (vitrified,) and these discharging both surface and subterraneous water into an open canal some 1,700 feet long, having its banks revetted with sod, and the bottom paved with brick. This work was all completed at the time of this inspection, except that the gratings had not yet been put on the silt basins. The work has been well done, and is of great benefit to the cemetery. The new wall, the lodge, and this system of drainage have all been made under the immediate supervision of Mr. James Gall, the efficient civil engineer employed by the Quartermaster's Department.

There is an Osage-orange hedge along the inside of the wall. It has been cultivated and trimmed this season, but has not grown much.

There is a grove of large oaks covering about two-thirds of the land in the cemetery. These trees have been thinned out somewhat lately; there are still some dead ones among them.

The land outside the cemetery proper is mostly covered with heavy timber. The stables were located there; a vegetable-garden is also being cultivated there.

There are five large guns in this cemetery—four planted vertically as monuments; one placed horizontally on blocks.

The graves are arranged in parallel rows in the burial plats, and as far as practicable are grouped by States.

The graves are all leveled, and in a few of the plats pretty well covered with turf; but it will take two or three years to get a good sod on the whole of the graves.

The head-boards have been removed. Only the corners of the burial sections are marked by stakes; but an accurate chart of all the graves is in the office of the superintendent. Before the head-stones are put up the position of each grave will be marked.

The burials are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	*4,859	4,852	9,711
Colored Union soldiers	246	3,918	4,164
Civilians	.....	.....	57
Total	.....	.....	13,932

* Thirty-eight commissioned officers.

The bodies were removed from the original burial places of those who died in the camps and hospitals in the vicinity of Memphis, and from Island No. 10, and Fort Pillow, and from numerous places on the line of the Memphis and Charleston and the Memphis and Louisville Railroads, and from both banks of the Mississippi River, from Hickman, Ky., to Helena, Ark.

The superintendent has one man to assist him, the year round; he is paid $30 per month. He has also one mule and one cart for service here. Much more help is required here to keep the place in good order.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $249,556.66.

The estimate for fiscal year 1875–'76 is, for maintenance and repairs, $2,000.

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SHILOH NATIONAL CEMETERY.

(William A. Graham, superintendent; class 1, $75. Inspected January 24, 1874.)

This cemetery is situated on the west bank of the Tennessee River, immediately below Pittsburgh Landing. It takes its name from Shiloh church, (about two miles off,) around which so much fighting took place that its name was given to the battle of the 6th and 7th of April, 1862.

This cemetery is about five miles below Hamburgh, on the Tennessee, and twenty-one miles northeast of Corinth, Mississippi.

The road from Corinth is very poor. The immediate approach to the cemetery is fenced in. I could not learn that the Government had secured the right of way, but no trouble had arisen upon the subject.

The lot is an irregular figure of six or seven sides, and contains a little over ten acres of uneven land, purchased by the United States for the sum of $500. It is mostly inclosed by a massive limestone wall, laid in mortar, and covered by a heavy coping.

Outside of this wall, and to the west of the cemetery proper, is about an acre of land, where are located the lodge, stable, and out-buildings. This part is inclosed on three sides by a wooden picket-fence in good order.

The east side of the cemetery is a high bluff overlooking Pittsburgh Landing, and commanding fine views both up and down the river.

This bluff was very steep from the river up, and has been cut into a terrace near the top, with a drive at the foot of its slope. Originally this slope was made too steep, and has since been regraded and underdrained. The slope below the drive has also been improved. It might be still more improved by being covered with strong-rooted shrubs and plants to hold the earth in place.

On the north side much improvement has also been made, under the direction of Mr. Gall, the civil engineer employed. The log bridge and revetting have been removed, and the ravine filled up for the roadway, and the slopes adjoining giving a good grade.

The west end of the cemetery proper is narrow, and curved outwards.

The main entrance is in the center of this end, and is closed by iron gates. An avenue extends due east from this entrance, passing around a square mound reserved for a monument, and terminating at the flag-staff plat, on the top of the terrace overlooking the river. A drive also extends from this entrance along the inside of the wall on the south side to the foot of the terrace, thence north and west back to the main entrance, embracing in this circuit the greater part of the lot. This drive and the main avenue are covered with coarse gravel and large-sized pebbles.

A path runs north and south from the central avenue a few feet west of the crest of the terrace. In this strip are many graves, arranged in regimental groups. In the semi-circular plat surrounding the flag-staff are the graves of the members of the color-guards who fell in the battle of Shiloh.

Three concentric circles of graves surround the monument mound in the eastern part of the main avenue. The rest of the lot is divided into small sections by paths.

The graves are arranged in these sections by States, as far as known, and in parallel rows. They are all leveled and tolerably well covered with turf. The grass had been closely cut; it could be improved by frequent cutting in the growing season.

The graves are marked by stakes painted and numbered, but more or less decayed.

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The interments are classified as follows, viz:

	Known.	Unknown	Total.
White Union soldiers	1,227	2,362	3,589
Colored Union soldiers	.....	1	1
Total	1,227	2,363	3,590

The bodies were removed from the places of original burial, viz, from the battle-field of Shiloh, from the vicinity of Corinth, from Hamburgh, Savannah, Fort Henry, Eastport, Florence, and several other places in Tennessee, Alabama, and Mississippi.

There are three large iron-gun monuments in this cemetery; one near the main entrance and two near the square mound. There are also near the flag-staff a sea-coast howitzer and a boat-howitzer, mounted on carriages very much decayed.

There are several large oaks growing in this cemetery. A good many trees and shrubs have been transplanted here also; the trees are all deciduous, the evergreens (cedars) having all died out. A variety of these latter are needed.

There is an Osage-orange hedge along the inside of the wall, except on the river front. It is growing well and needs trimming.

The lodge is a wooden cottage, in pretty good condition; an underground cistern is attached; there is also a well near by. The out-buildings are in good order.

The superintendent has two hands to assist him. They are paid $30 per month. A mule and cart are also employed here.

Superintendent Graham has recently been transferred to the Nashville National Cemetery. Superintendent Frame is now in charge o this cemetery.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $115,175.85.

The estimate for fiscal year 1875–'76 is—

For maintenance and repairs	$800
For trees and plants	200
Total	1,000

CHATTANOOGA NATIONAL CEMETERY.

(Frederick Buntly, superintendent; class 1, $75. Inspected June 27, 1874.)

This cemetery is a little over a mile southeast from the Union railway station in Chattanooga, very near the United States barracks, and just south of the Western and Atlanta Railroad.

The lot, as inclosed, is circular, and is about one mile in circumference, and contains about seventy-five and one-half acres of land, which was purchased by the United States for the sum of $15,000. This land consists principally of a round hill rising from the inclosing wall, with a moderate and almost uniform slope, to the height of about 100 feet above the surrounding valley. It is directly in front of Missionary Ridge on one side, and of Lookout Mountain on the other, and is about half way between them apparently. The summit of this hill was used as the headquarters of General Grant during a portion of the memorable battle of Lookout Mountain.

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The lot is inclosed by a dry rubble-stone wall, covered by a coping laid in cement. The wall was built by colored soldiers on extra duty. The work was poorly done.

On the north side of the cemetery the wall was submerged last winter a year ago in several places by back-water from the river, and was undermined and thrown down. These portions have been rebuilt with deep foundations laid in cement, as is also the superstructure.

In addition to the land inclosed by this wall, the Government owns fifty-four acres more. The United States barracks are built on a portion of this land.

The main entrance is on the west side, and is closed by iron gates. From this entrance a wide drive winds around the base of the hill at varying distances from the inside of the wall, and another leads up to the summit of the hill by easy grades. This summit is crowned by the flag-staff, which stands in the center of a circular grass-plat 400 feet in diameter. An avenue 30 feet wide surrounds this circle. Two other similar avenues wind around the hill between the summit and the base, and are connected by cross-drives and walks, which divide the surface into various sections of different sizes and shapes. Eighteen of these sections are used for burial purposes. They take up about one-half of the land. The balance is mostly covered by groves of small oaks and hickories, which have been thinned out judiciously and are growing very finely. As they increase in size they will need to be thinned out more from time to time. The black-jack oak had better be taken out entirely, as it is never a handsome tree.

The drives and avenues are macadamized and lined with stone gutters, giving a good drainage for the surface of the water.

The main avenue up to and around the flag-staff circle and the drive at the base of the hill are kept free from vegetation. The rest of the drives have been allowed to grass over, and the grass is kept short and free from coarse weeds.

There are a large number of rose-bushes in this cemetery, and they have bloomed freely this season. There are enough deciduous trees here, but a variety of pines, spruces, and cedars are needed. The cedars transplanted in the flag-staff circle have all perished.

The month of August is about the best time to transplant these evergreens, (*coniferæ*,) when they can be obtained near by, for the growth for the season is then over and the tree is dormant.

The Osage-orange hedge along the inside of the wall is growing tolerably.

The grass had been cut in the burial sections at the time of this inspection. In some of the vacant sections it was reserved for hay.

The lodge is outside the cemetery proper, near the main entrance. It is a wooden cottage, containing three rooms, and is in fair condition. A contract has been given out for a brick lodge to be built this season. There is a well of water near the present lodge.

There is over an acre of land about this lodge; it is inclosed by a wooden picket-fence on three sides.

On the opposite side of the road leading up to the cemetery, and in front of the lodge, is another small lot, in which are the stable and a small building containing the original head-boards.

The graves are arranged in the burial sections in parallel rows or curves. They are all leveled and pretty well covered with turf. They are marked by stakes painted and numbered. The burial sections are marked by stone posts.

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The burials are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	*7,051	4,840	11,891
Colored Union soldiers	877	20	897
Total Union soldiers	7,928	4,860	12,788
Civilians			140
Total interments			12,928

* One hundred and ninety-nine commissioned officers.

The bodies were removed from the places of original interment, viz, from the battle-fields of Chattanooga, Chickamauga, Resaca, and from numerous other places in Georgia, Alabama, and Tennessee.

The superintendent has two men to assist him the year round, with additional laborers in the growing season. They are paid $35 per month. He has also a mule and cart for use here.

The cemetery has been much improved in appearance since my last inspection. It is a handsome location, and some of the views from the summit of the hill are quite grand. When the trees attain full size this cemetery will be very picturesque.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $102,945.03.

The estimate for fiscal year 1875–'76 is—

For maintenance and repairs	$2,000
For trees and plants	500
Total	2,500

KNOXVILLE NATIONAL CEMETERY.

(Thomas Ridge, superintendent; class 2, $70. Inspected August 22, 1874.)

This cemetery is situated about one mile northwest of the railway station in Knoxville, on the east side of the Kentucky and Tennessee Railroad.

The lot is a rectangle, 700 feet east and west by 580 feet north and south, and contains nearly ten acres of slightly undulating land, purchased by the United States for the sum of $5,000.

The lot is inclosed by a rubble-stone wall, laid in mortar, and covered by a coping of long slabs of limestone.

The main entrance is in the center of the west side. The lodge is situated near this entrance. It is a new stone building, one and a half stories high, with French roof. It contains three rooms on ground floor, three chambers, and three cellars. It is well built, and is in good order. A frame building for tool-house, &c., has been built in rear of the lodge. An under-ground cistern had just been completed; it is placed between the tool-house and lodge. The old lodge has been torn down, but the cellars had not been filled up nor the *débris* removed. The grounds about it were not in good order. A special report was made in relation to this cemetery.

The cemetery proper is in the eastern part of the lot, and is a square of 580 feet. On the west of this square, and separated from it by a low hedge, is a strip 120 feet wide, used for gardens and ornamental grounds.

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An avenue extends from the main entrance due east to the center of the opposite side, passing around a small circular mound in the center of the cemetery proper, upon which the flag-staff stands. A similar avenue crosses this one at right angles at the flag-staff mound and extends to the opposite sides.

The graves are arranged in concentric circles around the flag-staff mound, having wide paths between them, and extending outward nearly to the sides of the lot, where they are surrounded by an avenue 18 feet wide, which connects with the avenue from the main entrance.

Many native cedars have been transplanted between these rows of graves, and have grown vigorously and present very handsome forms. Some deciduous trees are also growing here, but the present dry season has affected them injuriously.

An Osage-orange hedge was planted some years ago around the cemetery proper, and it has been extended since the wall was built to the front of the lot, but it is not growing along the west side. Before it will grow there a trench containing good soil will have to be provided, as the soil has been taken off or covered up by grading.

Two large iron-gun monuments stand at the junction of the avenue from the main entrance with the circular avenue extending around the grave-plats. The prescribed shield is on one.

Besides the graves in these circular plats, there are a few on each side of the junction just named. They are arranged in a single row parallel with the front of the cemetery.

All the graves are mounded up and well sodded; the grass has not been well cut lately. A few graves have sunken in from the breaking down of the coffins. The graves are marked by stakes and head-boards; the latter are very poor. Over fifty marble slabs have been erected by friends.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	*1,990	*978	2,968
Colored Union soldiers	82	68	150
Total Union soldiers	2,072	1,046	3,118
Employés, (citizens)	.....	.....	17
Total interments	.....	.....	3,135

* Fifty-two commissioned officers.

The bodies were removed from the places of original interment around Knoxville, from Cumberland Gap, Tazewell, Concord, and many other places in Tennessee, Kentucky, Virginia, and North Carolina.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $36,235.96.

The estimate for the fiscal year 1875–'76 is as follows:

For maintenance and repairs	$500
For trees and plants	100
	600

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STONE RIVER NATIONAL CEMETERY.

(L. S. Doolittle, superintendent; class 1, $75. Inspected August 23, 1874.)

This cemetery is situated on a portion of the battle-field of Stone River, about three miles northeast from the railroad station in Murfreesborough, and lies between the Nashville and Chattanooga Railroad and the Nashville and Murfreesborough turnpike; the former bounding it on the east, the latter on the west.

The lot is in the form of a trapezoid, the south end being about 600 feet and the north end about 800 feet wide, and the length on the west side being about 1,250 feet. The lot contains a little over twenty acres of gently undulating land, which was purchased by the United States for the sum of $1,527. It is inclosed by a stone wall, the portion along the turnpike being built of hammered limestone blocks; the other sides of rubble limestone, all laid in mortar, and the whole covered by a coping.

Some years ago a portion of the front wall was built by colored soldiers in the manner described, and it was thought best to complete that front in the same style.

The original purchase contained a little over sixteen acres, and the cemetery was laid out in this ground. Four acres were subsequently purchased on the north end, and the lodge, stable, out-buildings, and gardens located there. This portion was separated from the cemetery proper by a light wooden picket-fence, which has been removed, and the line marked by a hedge of Osage-orange.

The main entrance is in the center of the west side of the cemetery proper, and is closed by double iron gates. There is also another entrance for carriages in this front farther north; and there are two small gate-ways, one in front of the lodge and one in the southeast corner of the lot. All of these gate-ways are closed by iron gates, each having an apron of Russia iron on the bottom to keep out pigs and thin hogs. These gates were very rusty, and needed painting immediately.

From the main entrance an avenue 30 feet wide crosses the lot perpendicular to the front, passing around a square of 100 feet on the summit of the grounds near the east side. This is called Lincoln Square, and contains the flag-staff and two gun monuments.

Fine views of the whole cemetery and of considerable of the surrounding country can be obtained from this square.

A drive extends around the cemetery proper just inside the wall, except on the north side, where it skirts along the dividing hedge above named. From the center of the sides and from the four corners of the square are avenues extending to this exterior drive. Other avenues, parallel with three of the sides of this square, intersect those already named, and divide this part of the grounds into twenty sections of different sizes and shapes, which are used for burial purposes.

These avenues and drives are named after officers of rank who fell in the battles near this place; Sill, Garesche, Carpenter, Milliken, and Hawkins being among the number. Stone posts are planted at the intersections of these avenues, and their names are painted on the posts. These memorials are worthy of being perpetuated.

In this part of the grounds there is a fine assortment of pines and spruces, which are growing well and have been handsomely grouped. There are also some fine oaks and hickories in this part of the cemetery, but the deciduous trees which have been transplanted here are small and sickly, and many have died in consequence of the very severe drought which prevailed at the time of this inspection.

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The Osage-orange hedge along the inside of the wall is thin and uneven, but along the front the growth is much better than on the other sides.

The lodge is situated to the north of the cemetery proper, and some little distance from the turnpike. It is a stone building, one and a half stories high, with French roof, and contains three rooms on ground-floor, one in the "L" for the office, and two in the main part, with three chambers and a cellar. Some repairs were needed to the walls inside, and to the chimney-top. A special report was made at the time of this inspection.

In rear of the lodge are the old lodge, (used for laborers,) the stable, out-buildings, and large gardens. In front and to the north is a large lot, which is not yet in good grass. It is to be kept as a lawn.

The graves are arranged in parallel rows in the several burial-sections. They are all leveled. A good many have fallen in, and earth has to be hauled in to fill them up. The turf on the graves is generally good, and the head-boards and stakes are in good order generally, considering the length of time they have been up.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	*3,732	2,220	5,952
Colored Union soldiers	85	102	187
Total	3,817	2,322	6,139

* Forty-eight commissioned officers.

The bodies were removed from the places of original interment near the adjoining battle-field, from the burying-grounds about Murfreesborough, wherein were buried the dead from the general hospitals near that place, and from Readyville, McMinnville, Shelbyville, and from many other places in the State.

About half a mile south of this cemetery is a small rectangular lot, inclosed by a dry stone wall, in which are buried the remains of fifty-six soldiers of Hazen's Brigade, who fell in the battle of Stone River.

A limestone slab is placed at the head of each grave, and a handsome monument is placed in the center of the lot, dedicated to the memory of those gallant men. This work was projected and paid for by the survivors of the brigade.

The lot is kept in good order by the superintendent.

I have recommended that the United States take steps to secure the title to the lot.

Two men are employed to assist the superintendent in the summer-time, and one the year round; they are paid $30 per month. He has also a mule and cart for public service. More labor is needed at this cemetery.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $34,416.46.

The estimate for the fiscal year 1875–'76 is as follows:

For maintenance and repairs	$1,400
For trees and plants	100
Total	1,500

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NASHVILLE NATIONAL CEMETERY.

* (Francis O'Donohoe, superintendent; class 1, $75. Inspected August 24, 1874.)

This cemetery is situated on the west side of the Gallatin turnpike, six miles north of Nashville. The Louisville and Nashville Railroad runs through it north and south, dividing it into two nearly equal parts. Madison Station is about one mile north of the cemetery.

The lot is an irregular figure of four sides, but is nearly a rectangle, 1,600 feet north and south by 1,738 feet east and west, (on an average width,) and contains nearly sixty-four acres of undulating land, purchased by the United States for the sum of $9,658.65.

The lot is inclosed by a stone wall; the portion along the Gallatin pike (being the front of the cemetery) is built of rough-dressed blocks of limestone of nearly uniform thickness in same course, and presents the appearance of dimension stone-work; the other sides are built of rubble limestone, all laid in mortar, and covered by a coping of sawed limestone slabs. The wall looks well.

The main entrance is near the center of the east side from the Gallatin pike. An arched gate-way has been built here of white marble, and is similar in design to the one at the Arlington National Cemetery.

A main avenue extends from this entrance through the grounds, having numerous branches, which wind around the various undulations in such a manner as to present the natural features of the lot to advantage, and this without any special grading. These avenues are covered with gravel and rolled hard, and the gutters are paved with broken stone. They divide the ground into numerous sections of various sizes and shapes, most of which are used for burial purposes.

The ground on the south is rather high, and slopes off gently to the northeast. The eastern portion is open; the western is covered with an open grove of oaks.

On the east side of the railway-cut on the south side is a small circular mound, on which is placed a 32-pounder iron gun as a monument. Just north of it is another similar mound, on which the flag-staff is erected. Four other large iron-gun monuments are placed in different parts of the grounds. The prescribed bronze shield is placed on the gun near the flag-staff.

The wooden lodge near the main entrance has been removed, and the old lodge in the northwestern portion of the grounds has been replaced by a stone building, one and a half stories high, with French roof, and containing three rooms on ground-floor, and three chambers; also a cellar. A cistern is attached. This lodge is on high ground, and presents a fine appearance from the turnpike.

The stables and out-buildings are west of the lodge; they seemed to be in good order. A small natural water-course enters the cemetery near the northwest corner, and runs in a southeasterly direction until it reaches the vicinity of the railroad, then turns to the northeast, and passes out a little to the north of the main entrance. The bed of this stream is maintained by stone walls. Another little streamlet runs northeast through the southeast portion of the lot, passing out a little to the south of the main entrance. These two streams receive the surface-water, and answer for open drains.

Many trees and shrubs have been transplanted into this cemetery.

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* Since this inspection, the superintendent, Francis O'Donohoe, has died, and Superintendent W. A. Graham has been transferred from the Shiloh National Cemetery and p laced in charge.

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They have been carefully cultivated and mulched this season, and are growing well, notwithstanding the severe drought.

An Osage-orange hedge has been set out along the inside of the wall. It is growing well along the front, and is neatly trimmed; on the other side it is rather thin and poor.

The large forest-trees to the west of the railroad give character to the foliage, and add greatly to the beauty of the cemetery.

The graves are arranged in parallel rows or in curves concentric with the avenues surrounding the respective sections. They are mostly leveled and pretty well covered with turf, with the grass generally neatly cut.

The graves are marked by stakes, except those where marble slabs have been erected by friends. I saw several of these broken.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	10,388	3,508	13,896
Colored Union soldiers	1,447	463	1,910
Total Union soldiers	11,835	3,971	15,806
Employés	703	29	732
Total interments	12,538	4,000	16,538

The bodies were removed from the places of original interment, viz, from the burying-grounds around Nashville, wherein were buried the dead from the general hospitals in that city; from the battle-fields near by and at Franklin; from Gallatin, Bowling Green, Cave City, and many other places in Kentucky and Tennessee.

The superintendent has three hands to assist him; they are paid $30 per month. One mule and a cart are furnished for use at this cemetery also.

The expenditures up to June 30, 1874, are reported at $103,540.81.

The estimate for fiscal year 1875–'76 is:

For maintenance and repairs	$1,800
For trees and plants	200
Total	2,000

FORT DONELSON NATIONAL CEMETERY.

(John Fitzgerald, superintendent; class 3, $65. Inspected June 14, 1871.)

This cemetery is situated on the left bank of the Tennessee River, about one mile below the landing at the little town of Dover, in Stewart County. It is about one mile from the battle-field of Fort Donelson. It occupies the site of a redoubt erected by the Union troops some time subsequent to the capture of Fort Donelson. This would have been an interesting feature, and within the work very many of the dead could have been interred; but, unfortunately, an inexperienced officer was in charge, who not only leveled it with the ground, but also, at great expense, cut off seven feet of the apex of the hill, thus entirely marring its beauty. The ground was very rough and broken, especially on the river side, where the descent was very abrupt and cut up with gullies. Heavy sustaining-walls of stone had to be built on the slope to protect the burial portion."—(Report of General L. Thomas, 1869.)

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The lot is an irregular figure of four sides, having an average length north and south of about 1,100 feet, and an average width of about 600 feet, and contains fifteen and three-quarter acres of uneven land purchased by the United States for the sum of $474.

The cemetery is in the north end, on a bold eminence commanding fine views of the river above and below, and embraces only about three acres. This portion is inclosed by a stone wall, built of large blocks of split limestone laid up dry, and covered with a heavy coping set in cement. The remainder of the Government land is inclosed by a wooden picket-fence, and is used for gardens and pasturage.

The Eddyville road passes by the south end. From this road a drive extends along the east side of the Government ground to the main entrance of the cemetery proper, which is in the southeast corner of the inclosing-wall. This entrance is closed by iron gates hung on iron guns or posts—two large guns for the double gates over the carriage-way, and two small ones for the side gates. The effect is quite pretty.

From this entrance a drive extends around the cemetery near the inside of the wall, with branches crossing the lot in two directions, dividing it into four sections of different sizes and shapes, besides the large circular plat surrounding the flag-staff and the smaller one surrounding the gun monument.

The lodge is near the main entrance, inside the wall. It is a wooden cottage, containing three rooms, with kitchen detached. It looks comfortable, and is kept very neat; it is said to be very cold in winter. The position is high and much exposed to winds. A new lodge of stone or brick is much needed here now. A small cistern is attached to the lodge; it is too small to supply water through a dry summer.

The graves are arranged in parallel rows or curves. They are mounded up, but not sodded; and as the soil was taken off in grading, very little grass is growing on them. They are marked by head-boards.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	153	503	[illegible]
Colored Union soldiers	4	8	[illegible]
Total Union soldiers	157	511	[illegible]
Employés	1	18	[illegible]
Total interments	158	529	[illegible]

The bodies were removed from the places of original burial on the battle-field of Fort Donelson, near by, from Clarksville, and other places in Tennessee and Kentucky.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $54,817.24.

The estimate for fiscal year 1875–'76 is—

For maintenance and repairs	[illegible]
For trees and plants	[illegible]
For new lodge	4,[illegible]
Total	4,[illegible]

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Recapitulation for the State of Tennessee.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Civilians.	Total.
Memphis National Cemetery	*4,859	4,852	246	3,918	57	13,932
Shiloh National Cemetery	1,227	2,362	.....	1	.....	3,590
Chattanooga National Cemetery	†7,051	4,840	877	20	140	12,928
Knoxville National Cemetery	1,990	978	82	68	17	3,135
Stone River National Cemetery	‡3,732	2,220	85	102	.....	6,129
Nashville National Cemetery	10,388	3,508	1,447	463	732	16,538
Fort Donelson National Cemetery	153	503	4	8	19	687
Total	29,400	19,263	2,741	4,580	965	56,949

* Thirty-eight commissioned officers.
† One hundred and ninety-nine commissioned officers.
‡ Forty-eight commissioned officers.

KENTUCKY.

CAMP NELSON NATIONAL CEMETERY.

(E. Schneider, superintendent; class 1, $75. Inspected September 3, 1874.)

This cemetery is situated about six miles south of the village of Nicholasville, (in Jessamine County,) and about half a mile east of the turnpike leading to Danville. It is within the intrenchments called Camp Nelson, thrown up to defend the crossing of the Kentucky River. It is on the summit of rather a high hill and commands quite fine views.

The lot is an irregular figure of seven sides, and contains about six and one-half acres of rolling table land, which is inclosed by a massive stone wall, built of large blocks of split limestone, la d up dry in regular courses, breaking joints, and having considerable batter on each side. It is covered by a heavy coping of very large slabs of dressed limestone set in cement. This wall is in good order, has had no repairs put upon it, and needs none. It is the best wall I have seen around any of the national cemeteries for durability.

The entrance is in about the center of the west side. It is closed by double wooden gates over the carriage-way, and by two small side gates, also of wood.

The right of way from the Danville turnpike to this entrance is owned by the United States, and recently an additional acre outside the cemetery wall, on the west side and south of the roadway, has been purchased, making the whole of the land owned by the Government here to be nine and seven-tenths acres, for which the sum of $1,382.32 was paid. The roadway is lined by a fence on one side; the other side opens on a pasture.

The entrance from the Danville pike is closed by wooden gates in poor condition. From the entrance to the cemetery macadamized drives wind around and through the grounds, dividing them into several sections; one of these, to the right of the main entrance, contains the

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lodge, stable, and out-buildings; all the other sections are used for burial purposes.

The drives are pretty well covered with grass, which is kept short. The drainage is good.

The flag-staff is on a little mound in the highest part of the grounds. There are three gun monuments here.

The lodge is situated near the entrance. It is a small wooden cottage in poor condition. It is said to be very cold in winter; the position is much exposed.

A new lodge should be built on the newly purchased site as soon as funds are available for this purpose.

The stables and out-houses should then be removed outside the inclosure, the old lodge torn down, and the section now containing them put in grass and ornamented with trees and shrubs.

There is a small cistern attached to the lodge; it has been dry for some time; water has to be hauled from a spring over a mile off. The season has been very dry.

There are a good many cedars and pines growing very well in this cemetery. There are also some deciduous trees—particularly a row of soft maples along the inside of the wall. They are doing very well, considering the drought; but few have died.

The graves are arranged in parallel rows; they are mounded up and sodded, and the grass is closely cut. Some of the graves have sunken in and need filling up.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	1,494	1,184	2,678
Colored Union soldiers and sailors	867	5	872
Employés	88	.....	88
Total interments	2,449	1,189	3,638

The original interments from the troops and employés at Camp Nelson were one thousand six hundred and fifteen.

The balance of the bodies were removed from the battle-field of Perryville, (nine hundred and seventy-five,) and from Frankfort, Harrodsburgh, Richmond, Camp Dick Robinson, and other places in the State.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $28,838.30.

The estimate for the fiscal year 1875–'76 is—

For maintenance and repairs	$700
For new lodge	4,000
Total	4,700

LEBANON NATIONAL CEMETERY.

(Charles Gohe, superintendent; class 3, $65. Inspected August 31, 1874.)

This cemetery is situated about one and one-half miles southwest of the railway station, in a direct line, and about two and one-half miles by way of the Columbia turnpike and a country road.

The lot is in the form of a triangle, having two sides nearly equal and

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perpendicular to each other. It contains a little over two acres of slightly rolling land, which was purchased by the United States for the sum of $50.

It is inclosed by a massive stone wall built of large blocks of split limestone, laid up dry in regular courses (breaking joints) of nearly uniform thickness, and is covered by a very heavy coping of limestone slabs set in cement.

The main entrance is at the intersection of the perpendicular sides in the northwest corner, and is closed by double wooden gates over the carriage-way and by a small side gate.

From this entrance a drive 12 feet wide extends around the lot 10 feet inside the wall. The border between the drive and the wall is well covered with grass, and contains a row of trees, mostly cedars and maples, alternating.

Three avenues, 12 feet wide, cross the lot parallel with the three sides of the wall, and divide the grounds into seven sections of different sizes and shapes. Five of these sections are used for burial purposes. The central one contains a triangular pyramidal mound, on which is placed the flag-staff.

The square section at the main entrance is divided diagonally by a walk, and on each side of this walk is a triangular mound, on which stands a gun monument.

There are several trees and shrubs in this cemetery besides those along the wall. They have been injured by the severe drought.

There are several peach-trees in the cemetery loaded with fruit. They have ceased to be ornamental, and invite depredations. I recommend their removal before another season.

The graves are arranged in parallel rows; they are slightly mounded up, and are well sodded. Some few have sunken in and need filling up. They are marked by stakes.

Outside of the cemetery (on the north side) is a strip of land 32 feet wide, belonging to the Government. Formerly the lodge, a small frame building, stood on this strip near the main entrance. In anticipation of the building of a new lodge, (which was contracted for,) this building was removed a short distance on to land recently purchased by the superintendent. The contract, however, was forfeited before work was commenced. This cottage is in poor condition; a new lodge is needed very much.

As the strip of land outside the wall is not wide enough for the new style of lodge proposed, I recommend the purchase of a few feet more of land in this vicinity. I think it can be had for a nominal sum.

The cellar of the old lodge remains open and unsightly. It should be filled up.

There is a well in this outside strip of land; it is covered by an arbor. There is also a stable in the east end. The rest of this ground is used as a vegetable-garden.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	588	276	864
Employés	.....	.....	3
Total interments	.....	.....	867

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The bodies were removed from the places of original interment at Lebanon, Bardstown, Campbellsville, Crab Orchard, and other places in the State.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $16,956.33.

The estimate for fiscal year 1875–'76 is—

For maintenance and repairs	$400
For new lodge	4,000
Total	4,400

LEXINGTON NATIONAL CEMETERY.

(No superintendent. Inspected September 2, 1874.)

This cemetery is included within the city cemetery, situated on the Frankfort turnpike, about half a mile west of the court-house.

The lot lies on the south side of this cemetery, some distance west of the main entrance. It is an irregular figure of several sides, but may be described approximately as a right-angled triangle with a little of the apex cut off. It is about 370 feet long, east and west, and is separated from the turnpike by a stone wall and Osage-orange hedge. The west end is about 230 feet and the opposite end 27 feet wide. The north side follows the curvature of the avenue that sweeps by on that side. The ground was purchased by the United States from the cemetery association for the sum of $3,222. White marble posts have been placed to mark the Government bounds. The eastern part of the lot is nearly level, but the western half slopes off gently to the west and northwest.

Along the hedge there is a strip of land 8 feet wide reserved for a walk by the cemetery association.

There is a gun-monument planted in masonry on a small circular mound near the center of the lot. A circular grass-plat 10 or 12 feet wide surrounds this mound, and a graveled path 6 feet wide leads from the avenue to and around this grass-plat.

The graves are arranged in concentric circles and arcs of circles around the central plat. They are mounded up and well sodded, and the grass is neatly cut.

The graves are marked by head-boards, old and faded. Some of them have fallen down; some of the head-boards have been replaced by stakes.

There are a few large forest-trees in this lot and a few rose-bushes and honeysuckle-vines around the walk surrounding the gun-monument.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	762	101	[illegible]
Colored Union soldiers	53	4	[illegible]
Citizens, &c	9	.....	[illegible]
Total interments	824	105	[illegible]

The burials in this lot were mostly from the general hospitals in Lexington, but bodies were removed from Paris, Cynthiana, Mount Sterling, and Falmouth.

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The expenditures on account of this cemetery up to the 30th of June, 1874, are reported at $18,650.64.

The estimate for fiscal year 1875–'76 is, for repairs and plants, $100.

The cemetery association has the grass cut and the ordinary care of the grounds provided for.

There is a lot in the Danville cemetery belonging to the United States. It is in the form of a rectangle, 80 by 120 feet, and was purchased from the town of Danville for the sum of $600. A square post of dressed limestone is planted at each corner of this lot, having the letters "U. S." cut on the upper face.

The lot is divided into six sections by three paths, two running north and south and one east and west. Union soldiers are buried in five of these sections, and several citizens (but no soldiers) are buried in the sixth.

The graves are mounded up and well sodded. They are marked by stakes and several by marble slabs; the latter erected by friends.

The interments are classified as follows, viz:

White Union soldiers:

Known	346
Unknown	12
Total	358

No expenditures have been made by the United States since 1869. The expenditures up to the 31st of January of that year have been reported as being $18,843, but there is probably some mistake in this report.

MILL SPRINGS NATIONAL CEMETERY.

(James Burke, superintendent; class 2, $70. Inspected August 28, 1874.)

This cemetery is situated on the north side of the road leading from Somerset to Columbia, and is about nine miles from the former town. It is about one-quarter of a mile east of Logan's Cross Roads, now called Lincolnville, which is the post-office address of the superintendent.

There is a stage-line from Stanford, on the Lebanon branch of the Louisville and Nashville Railroad, to Somerset, thirty-five miles, over a rough road. A railroad is being built through this section, and crosses the stage-road in several places. It will not be completed probably under two years. The road from Somerset to the cemetery is very bad. The hauling of the head-stones will be a difficult job.

The land for this cemetery was donated to the United States by Mr. W. H. Logan, and embraces three and a half acres. The part laid out for the cemetery proper is inclosed by a massive wall, built of large blocks of split limestone, laid up dry in regular courses, breaking joints. It is about 3 feet thick at the bottom, and has a batter of about 4 inches on each side, and is covered by a heavy coping of limestone slabs, laid in cement, but not projecting over the top course. This wall is in good order, and will need no repairs for years.

The entrance is in the center of the wall on the south side, and is closed by double wooden gates over the carriage-way, and by a small side gate, also of wood.

A drive extends around the lot a few feet inside the wall. A border of grass intervenes between this drive and the wall. The latter is some 30 feet inside the line on the east and north sides, and on the north side the corners are cut off, so that the wall there is in three nearly equal sections.

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An avenue 16 feet wide extends from the main entrance due north, to and around the square plat in the center of the lot, on which stands the flag-staff. An avenue crosses the lot east and west, and intersects the main avenue at right angles opposite the center of the flag-staff square. This square is 48 feet to the side, and occupies the highest ground in the lot. The ground slopes gently in three directions, giving good drainage.

The drives and walks divide the grounds into six burial sections, of different sizes and shapes.

The graves are arranged in parallel rows in these sections. They have all been leveled. They are not very well covered with turf, as the soil is poor. Efforts are being made to fertilize the burial sections. The graves are marked by stakes.

There is no gun monument in this cemetery.

There are a good many young cedars growing very well here; also some rose-bushes. There is a row of maples in the grass-border along the wall, but they are not doing well. There are native trees of great beauty near this cemetery, and it would be well to transplant some small ones into it.

The lodge is a wooden cottage, containing three rooms. It is comfortable in summer, but is said to be very difficult to keep warm in winter. A new lodge is needed.

The out-buildings are also tidy, and in good order. These buildings are in the western half of the grounds, outside the cemetery proper. This lot is inclosed by a wooden picket-fence on the south, west, and north sides, and by the cemetery wall on the other side. The lodge is near the Columbia road, and has a neat grass-plat in front of it. There is a vegetable-garden in rear.

The space outside the cemetery proper, on the east and north sides, is fenced in, and makes a lane around to the stable and rear of the lodge.

There is a small cistern attached to the lodge.

The interments are classified, as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	319	356	675
Colored Union soldiers	20	11	31
Employés	2	.....	2
Total interments	341	367	708

This cemetery was established in 1862, for the burial of the Union soldiers killed in the battle of Mill Springs. It occupies a portion of the ground fought over at the time.

Bodies were also removed from the places of original interment at Monticello, Columbia, and many other places in the State.

The expenditures on account of this cemetery up to the 30th of June, 1874, are reported at $18,357.44.

The estimate for fiscal year 1875–'76 is—

For maintenance and repairs	$400
For new lodge	4,000
Total	4,400

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CAVE HILL NATIONAL CEMETERY.

(Charles H. Scott, superintendent; class 4, $60. Inspected August 25, 1874.)

This cemetery is included within the incorporated cemetery of the same name, which is situated at the upper end of Broadway, about three miles from the center of the city of Louisville.

There are two lots occupied by the graves of Union soldiers. The first is an oval, about 280 feet long and 90 feet wide in the center, situated on the summit of a small hill in the northeastern part of the grounds, and is surrounded by a wide graveled drive called Cypress avenue. It is understood that this lot was donated to the United States by the cemetery association. It contains eight hundred and sixty-five graves, arranged in rows parallel with the short axis of the figure. At the north end of the long axis is the flag-staff. A gun monument has also been placed in this end.

The other lot is situated to the north and west of the first one, (from which it is separated by Maple avenue,) and contains about one acre of undulating land, purchased by the United States for the sum of $11,776.25. This lot is bounded on the south by Maple avenue, which has many curves; the other sides are bounded by the limits of the association grounds apparently. It is divided into three sections. The one at the east end is opposite the north end of the oval plateau first described. It slopes rather sharply to the north and west. It is filled with graves in rows parallel with the curvature of the drive above it.

These graves are mounded up and sodded. The very dry weather this season has burned this turf a good deal. This section is well filled with handsome pines and spruces of different varieties, giving an artistic effect to the grouping.

The other two sections contain no trees or shrubs to speak of. The graves are also arranged in these sections parallel with the avenue on the south.

Between the first and second sections is a miniature lake fed by springs. Beyond this lake and north of the graves in the other two sections the ground raises irregularly to the fence bounding the cemetery grounds on this side, and is covered with small trees, mostly deciduous.

The grass is closely and neatly cut on all the graves, which are marked by stakes and by a few marble slabs erected by friends.

The interments are classified as follows:

	Known.	Unknown.	Total.
White Union soldiers and citizens	3,357	406	3,763
Colored Union soldiers	.....	157	157
Total interments	3,357	563	3,920

These burials were mostly from the camps and hospitals around Louisville, though about nine hundred bodies were removed from the places of original interment along the Louisville and Nashville Railroad.

Outside the cemetery and a short distance north of the main entrance is a fine lot belonging to the Government, containing a small wooden house, occupied by the superintendent and his family. This house contains three rooms, in pretty good repair and tidy.

There is a cistern attached to this house. The house and lot were purchased for the sum of $1,325.

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The expenditures on account of this cemetery up to June 30, 1874, are reported at $49,308.42.

The estimate for fiscal year 1875–'76 is, for maintenance and repairs, $500.

Recapitulation for the State of Kentucky.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total.	Citizens.
Camp Nelson National Cemetery ..	1,494	1,184	867	5	3,550	8
Lebanon National Cemetery.....	588	276	.....	.....	864	3
Mill Springs National Cemetery...	319	356	20	11	706	2
Lexington National Cemetery.....	762	101	53	4	920	9
Danville National Cemetery.....	346	12	.....	.....	358	.....
Cave Hill National Cemetery.....	3,357	406	.....	157	3,920	.....
Total interments.....	6,866	2,335	940	177	10,318	102

OHIO.

GREEN LAWN CEMETERY, COLUMBUS.

(Inspected August 23, 1872.)

This incorporated cemetery is situated about two and one-half miles southwest of the State-house, on Harrisburgh turnpike.

The soldiers' lot is in a conspicuous part of the grounds. It is a natural circular mound graded into a very gentle and uniform slope. On its summit is a circular space 16 feet in diameter reserved as the site of a monument, for which it is admirably adapted.

The graves are arranged in concentric circles around this monument plat. A path 4 feet wide separates each two rows of graves, and the exterior row is surrounded by a gravel avenue 10 feet wide. A path 6 feet wide extends from this avenue through the rows of graves to the central plat.

The lot was purchased by the State of Ohio, and is kept in order by the cemetery authorities. If properly improved, this might be made a very handsome lot.

I understood efforts were being made to raise funds for erecting a suitable monument here.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	474	6	480
Colored Union soldiers	12	.....	12
Total	486	6	492

The burials were made mostly from the camps around Columbus, particularly from the prison guard at Camp Chase. Near the latter place

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there is a rectangular lot, 630 feet by 170 feet, containing the remains of two thousand one hundred and thirty-one rebel prisoners of war. This lot has been inclosed by a board fence, and the graves marked by head-boards numbered.

The expenditures on account of this cemetery and the lot at Camp Chase up to the 30th of June, 1874, are reported at $15,555.75.

SPRING GROVE CEMETERY, CINCINNATI.

(Inspected October 11, 1874.)

This incorporated cemetery is situated about five miles north of the city of Cincinnati, and is reached by horse-cars.

The soldiers' lot embraces a little over half an acre of undulating land, purchased by the State of Ohio for its present use. The title does not appear to have been vested in the United States. It is situated near the main entrance of this very handsome cemetery, and one of the principal avenues passes by it on the south, while a branch avenue bounds the east end.

Three small artificial circular mounds, with gently sloping sides, constitute the three burial sections in the lot. On the summit of each of these lots is a 24-pounder-gun monument.

The graves are arranged in each section in concentric circles around these gun monuments. They are mostly mounded up slightly and are well sodded and the grass is neatly cut. They are marked by small pegs, driven in flush with the ground. These pegs are old and the numbers on them are scarcely legible.

Some of the graves have been leveled, and I believe it is the intention of the cemetery company to level all the rest.

There is a small lake near this lot, and it is otherwise surrounded by handsome monuments, marble and granite, and by beautiful scenery.

A large marble monument, with a statue of a soldier on guard surmounting it, has been erected near this lot by patriotic citizens of the State, at a cost of $25,000. These handsome monuments make the gun monuments appear to disadvantage here. In the central section there is an additional gun monument placed outside the circle of graves.

A general or field officer was buried on the summit of each of these mounds. They were as follows, viz: In section "A," General Robert McCook; "B," Col. Frank Jones; "C," General T. J. Williams.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	964	28	992
Colored Union soldiers	2	.....	2
Total	966	28	994

The number of graves is 932.

A portion of these bodies were removed from Camp Dennison, where they were originally buried; the balance were from the hospitals in and around Cincinnati.

The expenditures on account of this cemetery up to 30th June, 1874, are reported at $6,345.50.

The ordinary care of the graves and lot is provided by the cemetery association.

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WOODLAND CEMETERY, CLEVELAND.

(Inspected August 21, 1872.)

This incorporated cemetery is about two and a half miles southeast of the public square in the city of Cleveland.

The soldiers' lot is situated near the middle of the west side of the grounds. It is a rectangle, 40 by 16 feet, and contains two parallel rows of graves, eighteen in the front and nine in second row. These graves are mounded up and sodded, and the grass is neatly cut. One grave is marked by a marble slab; the rest by small Union flags planted on Decoration Day. This lot was purchased by the United States for the sum of $150.

The cemetery association takes care of it. There is a lot near the main entrance to this cemetery, belonging to the city of Cleveland, in which are buried sixteen Union soldiers. Five of these graves are marked by marble slabs erected by friends, and eight are marked by head-boards.

There are also buried in this cemetery, among their friends, one hundred and two Union soldiers. Most of these have died since the war. The remains of some few have been brought from the South. The records of these burials are with the superintendent of the cemetery.

Several handsome monuments have been erected to the memory of distinguished officers.

The Seventh and Twenty-third Regiments of Ohio Infantry have erected handsome and appropriate monuments, with inscriptions giving the mortuary histories of the regiments.

The expenditures by the United States on account of this cemetery up to June 30, 1874, are reported at $433.12.

CEMETERY AT GALLIPOLIS.

This is the town cemetery, and there is a soldiers' lot in it; but the land has not been conveyed to the United States.

The interments are reported as follows:

	Known.	Unknown.
White Union soldiers	76	.....
Colored Union soldiers	4	77
Citizens	1	.....
Total	81	77

The expenditures by the United States are reported to be $1,232.75.

In the Oakwood Cemetery at Sandusky there are buried eleven Union soldiers, (all known;) and in the Roman Catholic cemetery at Cleveland three commissioned officers and nine Union soldiers (all known) are reported as buried.

The remains of two hundred and six rebel prisoners of war are interred on Johnson's Island.

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Recapitulation for the State of Ohio.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total.	Citizens.	Rebels.
Green Lawn Cemetery, Columbus	474	6	12	....	492	....	.....
Camp Chase	.....	....	....	....	.....	....	2,131
Spring Grove Cemetery, Cincinnati	964	28	2	....	994	....	.....
Woodland Cemetery, Cleveland	145	....	....	....	145	....	.....
Gallipolis Cemetery	76	....	4	77	157	1	.....
Oakwood Cemetery, Sandusky	11	....	....	....	11	....	.....
Roman Catholic Cemetery, Cleveland	12	....	....	....	12	....	.....
Johnson's Island		....	....	....	.....	....	206
Total	1,682	34	18	77	1,811	1	2,337

INDIANA.

NEW ALBANY NATIONAL CEMETERY,

(Thomas Krementz, superintendent; class 4, $60. Inspected August 25, 1874.)

This cemetery is situated about one and a half miles northeast of the city of New Albany, and was established in 1862, for the burial of Union soldiers dying in the general hospitals in this vicinity.

The lot is a rectangle, having a front of about 370 feet and a depth of 674 feet, and contains about five and a half acres of level land, purchased by the United States for the sum of $955.50. It is inclosed by a massive stone wall built of large blocks of split sandstone, laid up dry, but breaking joints, and having a heavy batter on each side; it is covered by a thick coping of dressed limestone set in cement. This wall is in good order.

The entrance is in the center of the south side, and is closed by double wooden gates over the carriage-way, and by a small side gate, also of wood. The gates are hardly in keeping with the wall. From this entrance an avenue extends through the grounds to the center of the opposite side, passing around three circular grass-plats. On the plat nearest the entrance stands the flag-staff. The central plat is larger than either of the others, and contains a well, which is covered by a large arbor containing seats.

A wide path intersects the main avenue at right angles at this central circle, and extends east and west to the opposite sides. A gun monument is planted in this cross-walk on each side of the central avenue.

An Osage-orange hedge lines the inside of the wall; it is neatly trimmed.

Many trees have been successfully cultivated in these grounds. The blending of the Scotch, Austrian, and white pines with the Norway and hemlock spruces and the arbor-vitæ, is very pretty, and evinces a cultivated taste in the original grouping.

The lodge is a new brick building, one and a half stories high, with Mansard roof and dormer-windows. It contains three rooms on ground-floor, three chambers, and a cellar, all in good order and very neat and

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tidy. There is an under-ground cistern connected with this lodge. The old wooden lodge stands in rear of the new one, and is used for office, store-room, and summer-kitchen; it is also in good order and tidy.

There is a small vegetable-garden in rear of the lodge, and a few flower-beds in front.

The graves are arranged in parallel rows in the four burial sections. They are well covered with turf, and the grass is neatly cut. The hand lawn-mower is used to good advantage here.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	1,340	491	1,831
Colored Union soldiers	756	212	968
Employés	11	.....	11
Total interments	2,107	703	2,810

Most of the burials were from the general hospitals, but bodies were removed from the places of original interment in West Virginia, Kentucky, and Indiana.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $23,699.41.

The estimate for fiscal year 1875–'76 is, for maintenance and repairs, $600.

CROWN HILL NATIONAL CEMETERY.

(No superintendent. Inspected October 12, 1874.)

This cemetery is situated within the incorporated cemetery of same name, which is about five miles north of the Union depot in Indianapolis.

The lot is conspicuously situated in a fork of the main avenue, and occupies the western end of a gently sloping hill. It is something in the shape of a convex shield, a little longer (east and west) than wide. The upper or east end is bounded by straight lines, except in the center, where there is a small circular mound, upon which stands the new flag-staff. The path surrounding this mound cuts into the lot through one-half of its circumference. This is the highest part of the grounds, which slope off gently and almost equally to the north, west, and south, to the two avenues which sweep by from the fork, at the west end, to the right and left, with nearly equal curves.

The lot contains something over half an acre, which was purchased by the United States for the sum of $5,000; the ordinary care of the lot to be provided by the cemetery association.

A gun monument is planted in a large stone block near the flag-staff. This gun bears the prescribed bronze shield. Another gun monument is similarly planted at the apex, or west end of the lot.

A row of trees is planted at proper intervals along the drives. They are growing very well. In the fork of the main avenue there is a triangular plat, which is separated from the burial section by a curved cross drive. This plat is also planted with ornamental trees.

The graves are arranged in parallel rows, running east and west, up and down the slope, with a narrow path between each row. The heads of the graves from the central path are to the north, while those on the

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north of this path are to the south, conforming to the slope of the ground. These graves are leveled and well sodded, and the grass is neatly cut. They are marked by head-boards, generally in good order. There are a few marble slabs erected by friends.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	646	36	682
Colored Union soldiers	30	.....	30
Total interments	676	36	712

The bodies were mostly removed from the Green Lawn Cemetery in the city of Indianapolis, where they were originally buried from the general hospitals in that place.

The remains of fifteen hundred and fifty-six rebel prisoners of war are still buried in the Green Lawn Cemetery, which is in a neglected condition.

The land in this vicinity is so valuable that this cemetery will be removed before many years, I think.

The expenditures on account of the Crown Hill National Cemetery, up to June 30, 1874, are reported at $13,015.25.

The estimate for fiscal year 1875–'76 is $100.

OAK HILL CEMETERY, EVANSVILLE.

This is an incorporated cemetery, in which the United States have purchased a lot for $300. The graves are reported to be well arranged, neatly sodded, and marked by head-boards, painted and lettered.

The interments are as follows, viz:

	Known.	Unknown.
Commissioned officers	1	.....
White Union soldiers	554	8
Colored Union soldiers	33	.....
Total	588	8

The burials were from the general hospital at Evansville.

There are also three hundred and forty white Union soldiers (all known) reported to be buried in various (ninety-two) local cemeteries throughout the State. These have been interred by their relatives and friends.

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Recapitulation for the State of Indiana.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Total.	Citizens.	Rebels.
Crown Hill Cemetery, Indianapolis	646	36	30	.....	712	....	.....
Green Lawn Cemetery, Indianapolis	.....	.....	.....	.....	.....	....	1,556
New Albany National Cemetery	1,340	491	756	212	2,799	11	.....
Oak Hill Cemetery, Evansville	555	8	33	.....	596	....	.....
Other places	340	.....	.....	.....	340	....	.....
Total	2,881	535	819	212	4,447	11	1,556

ILLINOIS.

MOUND CITY NATIONAL CEMETERY.

(George W. Harbinson, superintendent; class 1, $75. Inspected November 5, 1874.)

This cemetery is situated about one mile north of the navy-yard at Mound City.

The lot is a rectangle, 825 feet by 528 feet, and contains ten acres of low, level land, purchased by the United States for the sum of $750. It is surrounded by a strong dike to keep out the back-water from the Ohio River in times of freshets. The earth for the dike was obtained by digging a ditch on the outside; so the place looks something like a field-work. The surface-water is carried off through a sluice-gate into the ditch. This gate is kept closed in seasons of high water. The dike is about 4 feet wide on top, with sides having a slope of about 45°. They are well covered with sod, and an Osage-orange hedge is growing finely on top.

Some years ago a wooden picket-fence was built at the foot of the exterior slope of the dike; but as the adjoining land on three sides was used for pastures, cattle frequented the ditch for water and cut it up badly. So, during the present year, an additional strip of land has been purchased for $75, and an iron fence has been placed a few feet outside the ditch, except on the front, along the public road, where the iron has taken the place of the wooden fence. On the other sides the wooden fence still remains.

The pickets in the new iron fence are 6 inches from center to center, and pigs and thin hogs can crawl between them. Some alteration will be required in the fence, as hogs are allowed to run at large in this place.

A public road passes along the northwest face or side of the cemetery: and formerly there were two entrances for carriages from this road, but one has recently been discontinued.

The entrance retained is near the west corner of the lot. The corners of this lot stand nearly in the cardinal points of the compass.

At the time of this inspection, the front fence was not completed, and the iron gates for entrance had not been hung.

The discontinued gate-way was near the north corner of the lot, and

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a drive connected the two gate-ways by entering the cemetery perpendicularly to the front for about one hundred and twenty-five yards, and then running parallel to that front between the two arms.

The State of Illinois has appropriated $25,000 for a monument to be erected in this cemetery.

The center of the above-named drive, parallel with the front, has been selected as the site of this monument, and work has been commenced upon the foundation and base. The drive will only extend from the main entrance to and around this monument.

There are four gun monuments along this drive. The prescribed shield is on one.

A handsome flag-staff was obtained from the navy-yard last year. It is stayed by guy-ropes attached to wooden anchors.

There are a good many small trees in this cemetery; they are doing well generally, particularly the evergreens, pines and spruces.

The graves are arranged in parallel rows generally. They are all leveled and well covered with a good turf, and the grass is properly cut. They are marked by stakes in good order.

The interments are classified as follows:

	Known.	Unknown.	Total.
White Union soldiers and sailors	2,154	2,720	4,874
Colored Union soldiers and sailors	307	.....	307
Citizens, women and children	.....	.....	8
Rebel prisoners of war	.....	.....	34
Total interments	2,461	2,720	5,223

This cemetery was established in 1864 for the burial of the Union soldiers dying in the general hospitals in Mound City. These original interments, it is understood, determined the selection of this place for a national cemetery. The location is not good, and is reported to be very unhealthy.

The remains of Union soldiers were transferred to this cemetery from the places of original interment in Cairo, Belmont, Paducah, Columbus, and other places.

The lodge is situated near the main entrance. It is a one-story brick building, 21 by 51 feet, with a piazza 6 feet wide on the long sides, and the roof projecting over the piazzas. It contains three rooms, in good order and tidy.

In rear of the lodge is a frame building, designated as a kitchen and dining-room. Both this building and the lodge are raised about 3 feet above the ground. The kitchen is connected with the piazza of the lodge, and is very convenient; the out-buildings are convenient and in good order.

A small cistern is attached to the lodge; it is too small, and another one has been built since this inspection.

This cemetery would be improved in appearance by filling up the ditch along the public road; and I have recommended in a special report that this be done, in consequence of the State having undertaken to adorn the cemetery with a handsome monument.

The expenditures on account of this cemetery up to the 30th June, 1874, are reported at $57,668.44.

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The estimate for the fiscal year 1875–'76 is—

For maintenence and repairs	$1,000
For filling up front ditch	500
For altering fence	2,700
Total	4,200

CAMP BUTLER NATIONAL CEMETERY.

(James McCaulley, superintendent; class 4, $60. Inspected by General Bingham October 14, 1874.)

This cemetery is situated about six miles east of Springfield, near a way-station on the Toledo, Wabash and Western Railroad.

The lot is nearly a square, and contains a little over six acres of slightly undulating land, purchased by the United States for the sum of $450. It is closed by a brick wall in good condition.

The main entrance is in the center of the south side, from a county road. It is closed by iron gates.

As hogs are allowed to run in the roads in this county, some danger of having the front wall undermined by them has been temporarily prevented by building a wooden picket-fence 4 or 5 feet outside of and parallel to the wall. The space thus inclosed has been covered to the depth of a few inches with cinders.

The undermining of the wall may be prevented by a sidewalk along the outside, about 6 feet in width, which may be made of brick, or by an excavation, a few inches in depth, filled with cinders.

The lodge is situated near the main entrance. It is a brick building, one story high, containing three rooms, and having a piazza on the sides covered by the extension of the roof. It is in good order and tidy.

A cistern is attached to the lodge. The out-buildings, tool-house, wood-shed, &c., are also in good order. There is a well of good water in the center of the grounds.

There are no drives in this cemetery, but a wide graveled walk extends from the main entrance to and around the flag-staff, which stands in a small circular grass-plat a little to the north of the lodge.

In the southern half of this lot are buried the Union, and in the northern half the confederate soldiers who died at Camp Butler.

Formerly a division fence ran east and west between these graves; but it has been removed, much to the improvement of the appearance of the grounds.

There is a fine grove of oaks in the northern half, and some small trees have been transplanted in the southern part. The old forest-trees which were in this part of the grounds when the cemetery was established have been removed.

The graves of the Union soldiers do not seem to have been arranged according to any regular plan, but were dug as most convenient, though there is a semblance of parallelism in the rows. Now that the graves are leveled, this irregularity is not so apparent.

The graves are marked by head-boards, generally in good order; they are well sodded, and the grass is properly cut.

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The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	556	164	720
Rebel prisoners of war	453	190	543
Total interments	1,009	354	1,363

The burials were made from the hospitals at Camp Butler.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $25,813.24.

The estimate for the fiscal 1875–'76 is, for maintenance and repairs, $900.

In the city cemetery near Alton there is a soldiers' lot belonging to the United States, in which are buried one hundred and sixty-three white Union soldiers, twelve being unknown.

These burials were from deaths at the post hospitals, and on board steamboats passing up and down the Mississippi.

In the prisoners' cemetery, two and a half miles north of the City Hall in Alton, there are buried one thousand three hundred and four confederate soldiers who died while held as prisoners of war.

The expenditures on account of these burials up to the 30th of June, 1874, are reported at $7,824.

In the Oakwood Cemetery, six miles south of Chicago, there is a lot belonging to the Government, in which are buried twelve Union soldiers and four thousand and thirty-nine confederate soldiers who died while held as prisoners of war at Camp Douglas.

The expenditures on account of these burials up to June 30, 1874, are reported at $13,772.

In the Rose Hill Cemetery, seven miles north of Chicago, are the graves of three hundred and seventeen Union soldiers, fifteen unknown.

These burials were principally from the general hospital in Chicago, but a few bodies were brought from the South. Several handsome monuments have been erected in honor of these men.

The graves are all leveled and sodded; they are taken care of by the cemetery association.

The expenditures by the United States on account of these burials are reported at $3,546.

In the Graceland Cemetery, five miles north of Chicago, there are buried about one hundred Union soldiers in private lots by friends.

WOODLAND CEMETERY, QUINCY.

(Inspected October 16, 1874.)

This cemetery is situated a short distance south of the city of Quincy, and the soldiers' lot is on the north side, on the summit of a ridge overlooking the town.

The lot is in the form of a rectangle, about 100 by 120 feet, and is inclosed by a dressed limestone curbing on three sides, and by a wooden picket-fence and an Osage-orange hedge on the fourth or north side; this is a part of the boundary-fence and hedge of the cemetery grounds.

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The land was donated to the United States by Ex-Governor Wood, of Quincy, who has taken great interest in the proper burial of Union soldiers.

The ground is nearly level, but slopes enough to have good drainage. It contains several forest-trees, and a row of evergreen (pines and spruces) has been planted along the inside of the curbing.

An avenue passes by the south side of the lot with a gentle curve; the curbing conforms to the curvation. In the center of this front is the main entrance. Handsome stone posts stand on each side of this entrance; also at the corners of the lot, and on each side of the two side entrances.

Just inside the main entrance are four large gun monuments, planted in large stone blocks, and arranged on a curved line crossing the path leading through the center of the lot. A large shot is placed on the face of each gun, and four piles of cannon-balls are placed on the upper side of each stone block; the balls are soldered together, and a little cup is hollowed out in the stone to keep the bottom ones in place.

The graves are arranged in parallel rows; they are all leveled and well sodded, and the grass is neatly cut. A few are settled down and will need to be filled up in the spring. Several marble slabs have been erected by friends of the deceased.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	209	6	215
Colored Union soldiers	27	.....	27
Total interments	236	6	242

These burials were from the general hospital in Quincy; the cemetery authorities have no record of them.

The citizens of Adams County have erected in another part of this cemetery a handsome monument in honor of their gallant soldiers who fell during the war, but none of their remains are buried here.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $1,840.90.

The estimate for fiscal year 1875–'76 is, for maintenance and repairs, $100.

ROCK ISLAND NATIONAL CEMETERY.

(No superintendent. Inspected October 13, 1874.)

This cemetery is situated near the upper end of the island. The lot is a rectangle, 272 feet long by 180 feet wide, and contains a little over one acre of nearly level land. It is inclosed by a cast-iron fence set on stone posts.

In the center of each end is an entrance, closed by double gates and spanned by a light iron arch. The fence is of a pretty pattern, but needs painting; it is beginning to show rust.

The prescribed bronze shield for gun monument is suspended from the crown of the arch over the main entrance, and a duplicate is similarly placed at the opposite entrance.

A graveled walk has been made around the cemetery both on the outside and inside of the fence; also a similar path from one entrance to

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the other, and a cross-walk through the center of the lot perpendicular to this one. These walks are overgrown with weeds and fox-tail grass.

There are two gun monuments in this cemetery; also a few large forest trees.

The graves are arranged in parallel rows; they are mounded generally, and are sodded, but are overgrown with weeds and tall grass.

The lot was put in good order for Decoration day, but no work has been put upon it since for want of funds.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers	226	9	235
Colored Union soldiers	54	.....	54
Women and children	.....	.....	6
Total interments	280	9	295

The burials were from the general hospital at Davenport, Iowa, and from the prison guard on Rock Island.

The cemetery was established in 1863.

In another part of the island is a lot containing about three acres, in which are buried the remains of one thousand nine hundred and twenty-eight confederate soldiers who died here while held as prisoners of war.

The expenditures on account of this cemetery up to June 30, 1874, are reported to be $4,480.92.

The estimate for the fiscal year 1875–'76 is as follows:

For maintenance and repairs	$200
For painting fence	100
For picket-fence around rebel graves	500
Total	800

Recapitulation for State of Illinois.

	White, known.	White, unknown.	Colored, known.	Total.	Citizens.	Rebel prisoners of war.
Mound City National Cemetery	2,154	2,720	307	5,181	8	34
Camp Butler National Cemetery	556	164	.....	720	.....	643
Rose Hill Cemetery, Chicago	302	15	.....	317	.....	.....
Graceland Cemetery, Chicago	100	.....	.....	100	.....	.....
Oakwood Cemetery, Chicago	12	.....	.....	12	.....	4,039
Woodland Cemetery, Quincy	209	6	27	242	.....	.....
Rock Island National Cemetery	226	9	54	289	6	1,928
Alton City Cemetery	151	12	.....	163	.....	1,304
Other places	70	.....	.....	70	.....	.....
Total	3,780	2,926	388	7,094	14	7,948

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MISSOURI.

JEFFERSON BARRACKS NATIONAL CEMETERY.

(Martin Burke, superintendent; class 1, $75. Inspected October 19, 1874.)

This cemetery is situated a little south of the post of Jefferson Barracks, on the military reservation, and is the old post-cemetery enlarged.

The lot is a rectangle, about 1,200 feet long east and west by about 720 feet wide north and south, and contains a little over twenty acres of undulating land. It is inclosed by a rubble-stone wall, laid in mortar, and covered by a coping of sawed sandstone slabs.

The main entrance is in the center of the north side, and is closed by double iron gates over the carriage-way, and by two small iron side-gates. These gates are hung on four handsome piers, built of large blocks of rough-dressed limestone. A light iron arch spans the carriage-way, and bears the words "National Cemetery" in gilt letters. From the main entrance a wide avenue crosses the lot to the center of the south side.

A drive 16 feet wide extends around the lot just inside the wall. Three avenues running east and west, and six running north and south, (besides the main avenue,) divide the grounds into numerous rectangular sections. These drives and avenues are all macadamized and curbed, and are in fine condition.

The lodge is situated near the main entrance. It is a one-story brick building, 51 by 21, with a piazza on east and west sides, the main roof projecting over the piazzas. It contains three rooms in good order and tidy. The roof is reported as leaking a little at times.

The out-buildings are in good order also. I have recommended the building of an office, so that the lodge may be given up to the use of the superintendent and his family.

A small flag-staff has been erected alongside the main avenue and near the lodge.

There are eight gun monuments in different parts of the grounds. They are set in stone bases, and each has a large shot on its face.

The old post-cemetery was in what is now the east end of this cemetery. It contains a fine grove of trees, and overlooks the Mississippi. The cemetery grounds embrace the summit of a ridge running perpendicularly to the river, and having gently sloping sides, with here and there deep depressions or "sink-holes," common to limestone formations. Two of these "sink-holes" contain water, and are affected by the rise and fall of the Mississippi. They have been utilized as lakelets in ornamenting the grounds.

There are a great many trees in this cemetery, both deciduous and evergreen, and they appear to be healthy and vigorous.

There are also a large number of rose-bushes and ornamental shrubs, grouped in an artistic manner.

The foliage in this cemetery is rich and ample at this season. In early summer the bloom must be very rich and beautiful. Excellent taste has been displayed in selecting and massing the shrubbery here.

The approach to this cemetery from the road leading to the garrison is bad. I have recommended in a special report that a new road be opened. This is one of the finest national cemeteries in the country, and the approach to it ought to be more in keeping with its beauties.

The graves are arranged in parallel rows. They are leveled and well covered with turf. The grass is properly cut. The graves are marked by head-boards and stakes.

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The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	6,855	1,365	8,229
Colored Union soldiers	23	1,044	1,67
Civilians	.....	.....	585
Rebel prisoners of war	.....	.....	1,106
Total interments	6,878	2,409	10,978

The post cemetery was established many years ago, and most of the burials there were from the garrison, and before the late war. They are mostly unknown.

The later burials of Union soldiers were made in sections by States as far as practicable.

The bodies were removed from the places of original interment at Cape Girardeau, Pilot Knob, Warsaw, Rolla, and numerous other places in the State where encounters took place during the rebellion.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $160,928.76.

The estimate for fiscal year 1875–'76 is—

For maintenance and repairs	$1,300
For office	1,000
Total	2,300

JEFFERSON CITY NATIONAL CEMETERY.

(G. L. Emil Sherer, superintendent; class 4, $60. Inspected October 20, 1874.)

This cemetery is situated a little over a mile east of the State-house, and a short distance southeast of the penitentiary.

The lot is nearly a rectangle, 200 feet wide east and west by 440 feet long, and contains two acres of hill-side land, purchased by the United States for the sum of $800. It is inclosed by a rubble-stone wall, laid in mortar, and covered by a coping of sandstone slabs, in good order.

The main entrance is in about the center of the north end, and is closed by double iron gates hung on piers of rough-dressed limestone blocks. A light iron arch spans this entrance, and bears the words "National Cemetery" in gilt letters. From this entrance a path 8 feet wide descends through the lot to the center of the south end, where there is a narrow gate-way, also closed by an iron gate. This walk is covered with fine broken stone, and has a stone gutter on one side.

The ground slopes very rapidly to the south, and large, strong gutters are required to carry off the surface-water.

Four cross-walks, similarly covered with broken stone, intersect the central avenue at right angles, and divide the ground into ten rectangular sections. The two lower ones in the south end are used for gardens, and are separated from the other sections by a slight hedge of Osage orange. There is also a similar walk around the lot just inside the wall, except on the south.

At the intersection of the first cross-walk with the central avenue is a low, circular mound, on which stands the flag-staff.

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Two gun-monuments, set in masonry, stand in this upper cross-walk, one on either side of the central avenue.

The lodge is situated right at the main entrance. It is built of rubble limestone, is one and a half stories high, with Mansard roof, and contains three rooms on ground-floor, three chambers, and three cellars. It is well built, and is in good order and tidy.

An underground-cistern, covered by an arbor of lattice-work, is attached to the lodge.

A well has recently been sunk in the center of the grounds to obtain water for watering plants, &c.

The stable, tool-house, and woodshed are in the southeast corner of the lot. They are in good order, and are separated from the garden by a light wooden picket-fence.

There are many trees and shrubs in this cemetery, and they are generally doing well. There are also many rose-bushes and some flower-beds, all in good order.

The graves are arranged in parallel rows in the burial sections. They are all leveled and pretty well covered with turf, and the grass is cut close. They are marked by head-boards and stakes. A few stone slabs have been erected by friends.

During the past year the remains of eighty-seven Union soldiers, buried near the railway-station in Centralia, Mo., have been removed to this cemetery. The monument has also been removed, and now stands at one end of the trench in which these remains have been placed.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	336	408	744
Rebel soldiers			3
Children, &c.			7
Total interments			754

The bodies were removed from the places of original interment at Booneville, Sedalia, Brunswick, and many other places in the State.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $27,026.73.

The estimate for fiscal year 1875–'76 is $500.

SPRINGFIELD NATIONAL CEMETERY.

(R. C. Taylor, superintendent; class 3, $65. Inspected October 31, 1874.)

This cemetery is situated on "Kickapoo Prairie," about five miles southeast of the railway station, and about three miles from old Springfield.

The lot is nearly a square, and contains five acres of level prairie land, which was purchased by the United States from the city authorities for the sum of $218.75. It is inclosed by a rubble-stone wall, laid in mortar, and covered by a coping of sandstone slabs. It is in good order.

The entrance is in the center of the north side. It is closed by double iron gates, and is spanned by a light iron arch bearing the words "National Cemetery."

A private road runs along this front of the cemetery and joins the

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public highway. From this entrance a macadamized drive extends to and around the large mound in the center of the lot, upon which the flag-staff stands.

Formerly a drive extended around the lot just inside the wall, but it has been put in grass and discontinued as a drive. This is also the case with the drives formerly extending from the centers of the east, west, and south sides of the lot to the flag-staff mound. Carriages are now only allowed on the macadamized drive to and around the mound. This mound is about 80 feet in diameter at the base, and is made into two terraces. The lower terrace is planted with flowering shrubs mostly. The slopes are well sodded. Wooden steps lead up to the flag-staff.

As the grounds were originally laid out, there were four large sections formed by the drives above named, and in the center of each of these sections was a circular mound 40 feet in diameter. These have been removed, and the spaces occupied by them used as flower-beds.

There are a large number of trees growing vigorously in this cemetery. They will soon be too thick, and will require to be thinned out after a while. The soil is rich, and when trees get a good start they grow rapidly.

The Osage-orange hedge was destroyed mostly in building the wall; a trench has been prepared for replanting the hedge in the spring. There is a row of trees along the wall now; they are mostly soft maples.

There are six gun-monuments in this cemetery. Two are near the entrance; one on either side of the drive. One of these has the prescribed bronze shield on it. The other four guns are planted around the flag-staff mound. They are all set in limestone bases, and each has a large shot on its face. They look well.

The lodge is a new brick building, one and one-half stories high, with Mansard roof. It contains three rooms on ground-floor, three chambers, and two cellars. The latter have recently been grouted to keep out water, which has heretofore oozed through the bottom in wet weather.

There is a cistern attached to the lodge. It is covered by a neat arbor. There is also a well near by similarly covered.

A frame tool-house, wood-shed, and privy, under one roof, have been built since my last inspection. It is convenient and in good order.

The graves are arranged in parallel rows; they are all leveled and well covered with turf. The grass is neatly cut. They are marked by stakes in good order.

Near the entrance is a neat marble monument, erected in accordance with a bequest of the late Dr. Bailey, of Springfield. It cost about $5,000.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	818	709	1527
Civilians			30
Total interments			1557

This cemetery was established in 1867. Most of the soldiers interred here were originally buried on the battle-fields in Southwestern Missouri, particularly at Wilson's Creek.

This cemetery has been greatly improved during the past three years, and now looks well.

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The expenditures on account of this cemetery up to June 30, 1874, are reported at $56,726.16.

The estimate for fiscal year 1875–'76 is, for maintenance and repairs, $600.

Recapitulation for the State of Missouri.

	White, known.	White unknown.	Colored, known.	Colored, unknown.	Total Union soldiers.	Citizens.	Rebel prisoners of war.
Jefferson Barracks National Cemetery	6,855	1,365	23	1,044	9,287	585	1,166
Jefferson City National Cemetery	336	408	.....	.....	744	7	3
Springfield National Cemetery	818	709	.....	.....	1,527	30	.....
Total interments	8,009	2,482	23	1,044	11,558	622	1,169

KANSAS.

FORT LEAVENWORTH NATIONAL CEMETERY.

(Hugh M. Fogg, superintendent; class 3, $65. Inspected October 22, 1874.)

This cemetery is situated on the military reservation a short distance southwest of the post of Fort Leavenworth.

The lot is in the form of a trapezoid, having the north and south sides parallel, and measuring respectively about 500 and 730 feet, the east side being perpendicular to these two, and measuring about 636 feet; the west side follows the line of a farm road, and runs northeast and southwest. This lot is inclosed by a rubble-stone wall, laid in mortar, covered by a coping of sandstone slabs of poor quality.

Originally this was the post cemetery, (established in 1827,) but in 1861 it was enlarged and made a national cemetery. As then laid out, the lot was a square of about 500 feet, and was inclosed by a wooden picket-fence. This fence has been removed, but the Osage-orange hedge which was planted along its inner side still remains and marks the bounds of the cemetery proper. The additional land embraced by the wall amounts to over three acres, so that there are now within the inclosure about nine acres. This land slopes gently to the east. The upper or western portion is covered with a thick growth of forest-trees. These have been thinned out somewhat, but more should be removed from time to time in order to permit the better growth of grass.

The entrance to this cemetery is in about the center of the north side, and is closed by double iron gates. From this entrance a drive extends to the center of the hedge on the south side; another drive crosses this one at right angles in the center of the cemetery proper, dividing it into four equal sections. A drive extends around the sections just inside the hedge.

The lodge is situated on the west side of the drive, at the main entrance. It is a stone building, one and a half stories high, with French roof and

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dormer-windows. It contains three rooms on ground floor, three chambers, and three cellars. It has just been completed, and the *débris* around it has not been removed yet. The out-buildings are not finished, nor the grounds about the lodge graded; but this work is now being done by prisoners from the garrison.

There are two gun monuments in this cemetery. They are planted in large stone blocks, and are placed in nearly circular recesses in the centers of the hedge. on the east and west sides.

There is no flag-staff. A circular plat was reserved for one, at the southern end of the central avenue.

The graves are arranged in parallel rows; they are leveled and generally sodded. On some of the graves the turf is very poor, though the soil is rich.

The ground is furrowed by moles; they evidently damage the grass very much.

The surface-drainage for this cemetery is not good; but the gullyings that formerly took place in heavy rains have not occurred lately. The ground would be greatly improved by being under-drained with agricultural tile.

Outside the inclosure, on the north side, are two small lots appertaining to the cemetery. The triangular lot on the west of the lane leading to the garrison is used as a vegetable-garden. The other lot, on the opposite side, contains a handsome grove of large forest-trees. The services on Decoration Day are held in this grove.

The interments are classified as follows, viz:

	Known.	Unknown.	Total.
White Union soldiers and sailors	372	752	1,124
Colored Union soldiers	26	.....	26
Citizens, women, and children	.....	.....	227
Total interments	398	752	1,377

Many of these deceased soldiers belonged to the garrison in former years, and died before the late war.

The remains of Union soldiers were removed from cemeteries in Saint Joseph, Kansas City, Independence, and other places.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $21,155.02.

The estimate for fiscal year 1875–'76 is—

For maintenance and repairs	$500
For trees and plants	100
For drainage	500
Total	1,100

FORT SCOTT NATIONAL CEMETERY.

(Anthony Hyde, superintendent; class 4, $60. Inspected October 23, 1874.)

This cemetery is situated about one and one-half miles southeast of the center of the town, formerly the post of Fort Scott, and is about five hundred yards east of the Gulf Railroad.

The lot is a rectangle, 924 feet east and west by 478 feet north and south, and contains a little over ten acres. The eastern half is a lime-

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stone ridge, nearly level on top, but sloping off smartly to the west; the western half is rich prairie land, and formed the original cemetery. This portion was donated by the town of Fort Scott; the other portion was purchased for the nominal sum of $75.

The lot is inclosed by a limestone wall, "range rubble," laid in mortar, and covered by a coping of sandstone slabs. The wall is in good order, and looks well.

The carriage-entrance is in the center of the east side, and is closed by double iron gates and one side gate. A county road has been authorized to pass by this side of the cemetery, but it has not been built. It is open prairie on this side, and one can drive at will. It was to get access to this road that the eastern half was added to the cemetery, the land being virtually donated by the Presbyterian society owning it.

The direct approach to the cemetery from the town is by the west end, and a flight of wooden steps has been put on each side of the wall in the northeast corner of the lot for the accommodation of visitors.

It is not improbable that a street will be opened along this side of the cemetery in the process of time. Should such be the case, the main entrance should be put in this front.

The new brick lodge is placed near the carriage-entrance, but faces towards the town—that is, the west—and the rear of the building and the back yard are toward the present front of the cemetery.

The lodge is in the new style adopted. It was not quite finished at the time of this inspection, but it is now occupied. The work of excavating for an under-ground cistern was then in progress.

The whole of this ground has an underlying bed of limestone, which is very near the surface, and crops out in many places. It will be difficult to support vegetation here in dry seasons.

A flag-staff has recently been erected on the crest of the slope opposite the gate-way. A mound is being built around it, and a drive has been made from the entrance to and around this mound. No other drives have yet been laid out. There are four 10-pounder Parrott guns on carriages around the flag-staff mound.

This cemetery has never been laid out upon any systematic plan, and the graves are rather irregularly arranged. By taking up a few of them, however, a drive could be made around the cemetery proper just inside the wall, to connect at the west end, and near the flag-staff, with a central avenue extending through the lot. This would be a great improvement, and is recommended. The new grounds recently taken in are in an unsightly condition, but can be cleared up and made to look pretty well.

There are a good many small trees in the lower part of the grounds; they have been much injured by grasshoppers and the drought of the present season.

The soil is good in this part of the cemetery, though rather damp in ordinary seasons. It could be improved by underdraining with tile. If forest trees are once well started here, they will probably do well. I have been informed that the black walnut and chestnut grow well in this section from the seed.

The burial sections are not arranged with any regularity; the graves are generally in parallel rows in each section, but may not be in the same direction in any two sections.

The additional land taken in was a grave-yard. Some graves remain in it; these should be removed to the burial sections and the open graves filled up and sodded.

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The interments are classified as follows:

	Known.	Unknown.	Total.
White Union soldiers and sailors	254	100	354
Colored Union soldiers	63	.....	63
Rebel soldiers	.....	.....	14
Civilians, women, and children	.....	.....	61
Total interments	317	100	492

The remains of the soldiers buried in the old post-cemetery were removed to this. They belonged to the garrison in former times, and died before the late war, and are mostly unknown.

Much work will be required at this cemetery during the next year to put it in good order.

The expenditures up to June 30, 1874, are reported at $5,588.29.

The estimate for the fiscal year 1875–'76 is—

For maintenance and repairs	$500
Trees and plants	100
Underdrainage	500
Opening drives and clearing up grounds	1,000
Total	2,100

BAXTER SPRINGS.

There are buried in a lot in the village cemetery the remains of one hundred and twenty-four Union soldiers, (all known,) mostly citizens of Kansas, belonging to the body-guard and band of General Blunt, who were killed by the rebel Quantrell's gang.

It was the design of the Government to remove these remains to the national cemetery at Springfield, Mo., but citizens of Baxter Springs petitioned to have them buried in their cemetery, giving the ground for that purpose, and agreeing to keep the graves in good order.

Four large iron guns have been sent to this cemetery for monuments.

The expenditures by the United States on account of these interments up to the 30th June, 1874, are reported at $1,426.80.

Besides the interments at the military posts in this State, (which are mostly of regular soldiers who have died since the close of the rebellion,) there are buried in various local cemeteries in the State one hundred and thirty-nine Union soldiers; one hundred and thirteen being known, twenty-six unknown.

Recapitulation for the State of Kansas.

	White, known.	White, unknown.	Colored, known.	Colored, unknown.	Citizens.	Total.	Rebel soldiers.
Fort Leavenworth National Cemetery	372	752	26	.....	227	1,377	.....
Fort Scott National Cemetery	254	100	63	.....	61	478	14
Baxter Springs	124	.....	.....	.....	.....	124	.....
Other places	113	26	.....	.....	.....	139	.....
Total	863	878	89	.....	288	2,118	14

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MICHIGAN.

In the Elmwood Cemetery, near Detroit, there is a soldiers' lot containing the remains of seventy-four Union soldiers.

The graves are arranged in five parallel rows in the oval plat. There are some handsome trees bordering the lot, and one of the main drives of the cemetery passes by it.

The expenditures on account of these burials are reported at $360.

In the cemetery at Grand Rapids there are buried sixty-six Union soldiers.

The expenditures by the United States on account of these burials are reported at $670.

Burials are also reported at Jackson and in the post-cemetery at Fort Wayne.

WISCONSIN.

In the Forest Home Episcopal Cemetery, near Milwaukee, there is a soldiers' lot, which has been purchased by the United States for the sum of $525. Twenty-four Union soldiers are buried in it.

There are also buried in private lots in this cemetery forty Union soldiers, all known, thirteen being commissioned officers.

The expenditures on account of these burials, besides the cost of the lot, are reported at $63.

The cemetery association cares for the lot.

In the Forest Hill Cemetery, near Madison, there is a soldiers' lot, which was donated to the United States by the city authorities. It has been inclosed by a light iron fence. It is a rectangle, 160 by 74 feet, and is divided into two equal sections by an avenue 20 feet wide, crossing from the centers of the long sides.

The graves are arranged in six parallel rows on each side of this avenue. The graves are mounded up and sodded, and are marked by headboards, except twelve, which have marble slabs erected by friends.

The interments are classified as follows, viz:

White Union soldiers:

Known	196
Unknown	23
Total	219

The burials were from the general hospital in the city of Madison. There are also one hundred and thirty-seven rebel prisoners of war buried in this cemetery.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $2,139.

In the Mound Cemetery, near the city of Racine, there is a soldiers' lot belonging to the United States, for which the sum of $40.25 was paid. It contains the graves of forty Union soldiers, ten of whom are unknown. These burials were from the hospital and from the camp (Utley) established in this vicinity.

The expenditures on account of these burials are reported at $224.

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There are also buried in various local cemeteries in the State seventy-one Union soldiers, all known. Also, on the military reservation at Fort Crawford, four known and thirteen unknown Union soldiers. The former were buried by their relatives and friends; the latter by the United States.

The expenditures on account of the burials are reported at $68.45.

Recapitulation for the State of Wisconsin.

	White, known.	White, unknown.	Total.	Rebels.
Forest Home Cemetery	65	.....	65	.....
Forest Hill Cemetery	196	23	219	137
Mound Cemetery	30	10	40	.....
Other places	71	.....	71	.....
Fort Crawford military reservation	4	13	17	.....
Total	366	46	412	137

IOWA.

NATIONAL CEMETERY AT KEOKUK.

Clayton Hart, superintendent; class 4, $60. Inspected October 15, 1874.)

Originally this cemetery formed a part of the city or Oakland Cemetery, which is situated about two miles west of the center of the town.

The lot is a very irregular figure of six sides. The portion containing the graves was included in the city cemetery, and the land was donated to the United States by the city of Keokuk. The additional land has been purchased by the Government for the sum of $1,090. The whole is inclosed in a light iron fence, and embraces about two and a half acres of rolling land.

The approach to this cemetery is by a newly graded road to the south-east corner of the city cemetery. From this point an open lane leads to the main entrance, which is closed by double iron gates over the carriage-way, and by a small side gate, also of iron.

There are two gun-monuments at this entrance, one on each side.

A short distance in front of this entrance is the flag-staff. It is surrounded by four field-pieces mounted on their carriages. A gun-house has been erected for storing these guns during the winter months.

The lodge is near the main entrance. It is a brick building, one and a half stories high, with Mansard roof and dormer-windows. It contains three rooms on ground-floor, three chambers, and a cellar. It is in good order and tidy.

There is a handsome summer-house in the grounds, containing seats for visitors, and affording fine views of the cemetery and its surroundings.

There is a fine assortment of pines and spruces growing well; there are also a good many deciduous trees, mostly soft maples, which are healthy and vigorous.

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The graves are arranged in parallel rows generally; they are all leveled and well sodded, and the grass is neatly cut. A few are marked by marble slabs erected by friends, the rest by head-boards in tolerably good condition.

The interments are classified as follows, viz:

White Union soldiers:	
Known	609
Unknown	21
Total	630

The burials were from the general hospital in Keokuk.

The expenditures on account of this cemetery up to June 30, 1874, are reported at $12,911.61.

The estimate for the fiscal year 1875–'76 is, for maintenance and repairs, $1,000.

There have been reported officially as buried in various localities in this State four hundred and forty-two Union soldiers, all known, of whom thirty-eight were commissioned officers. They were all buried by relatives or friends.

INDIAN TERRITORY.

FORT GIBSON NATIONAL CEMETERY.

(William Thomas, superintendent; class 4, $60. Inspected October 25, 1874.)

This cemetery is situated on the military reservation, about two miles northeast of the post of Fort Gibson, on the road leading to Tahlequah.

The lot is a square of 450 feet to the side, and is inclosed by a wooden picket-fence in good order. It is divided into four equal sections by two avenues crossing each other at right angles in the center of the lot.

At the intersection of these avenues there is a circular plat 80 feet in diameter, in the center of which stands the flag-staff. Around the circumference of this circular plat are the graves of several officers and members of officers' families.

This cemetery was established in 1868, and the remains of the soldiers buried in the old post-cemetery were transferred here. Three of the sections were filled with graves. The fourth section contains but few graves.

The entrance is in the center of the west side. It is closed by double wooden gates, and is spanned by a wooden arch.

The lodge is nearly opposite this entrance, on the other side of the road mentioned above. It is about one hundred yards from the entrance to the cemetery. It is a wooden cottage, containing three rooms. It is in tolerably good order. There is a cistern attached to it, and it is surrounded by vegetable and flower gardens.

It has been proposed to enlarge this cemetery considerably. I do not think it advisable to increase the size of the lot, except to prolong the north and south sides sufficiently to embrace the lodge and out-buildings. This would throw the road out of its present position and carry it in rear of the out-buildings. This is not a public road, and can be changed at pleasure.

The graves are arranged in parallel rows in the burial sections. They

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are mounded up and sodded; the turf is pretty good considering the severe drought.

The trees have not done well this year, nor the hedge.

The interments are classified as follows, viz:

White Union soldiers:

Known	197
Unknown	2,099
Total	2,296

This cemetery, or rather the old post-cemetery, from which the bodies were removed, was established in 1831, and most of the burials are of soldiers of the Regular Army who died before the late rebellion.

The expenditures on account of this cemetery up to the 30th June, 1874, are reported at $3,078.68.

The estimate for the fiscal year 1875–'76 is—

For maintenance and repairs	$500
For brick lodge	4,000
For inclosing wall	8,100
Total	12,600

NEBRASKA.

FORT M'PHERSON NATIONAL CEMETERY.

(George Griffin, superintendent; class 4, $60.)

The military posts on the western frontier are abandoned when they ıre no longer required for the protection of the settlements. It generılly happens that there is a small cemetery at each of these posts, conaining the graves of soldiers; and as it is difficult to protect them from esecration after the posts are abandoned, it was determined last year o establish a national cemetery near Fort McPherson, and to transfer, rom time to time, the remains of our soldiers buried in the cemeteries t abandoned posts or that shall hereafter be abandoned.

Accordingly, a tract of land on the military reservation of Fort cPherson, containing one hundred and seven acres of prairie land, has een set apart for this purpose, and four acres have been inclosed by a ooden picket-fence for the cemetery proper.

No lodge has yet been erected. The superintendent lives at the post.

The remains of the soldiers buried in the post-cemetery at old Fort earney, and also those buried in the post-cemetery at Fort Sedgwick, ow abandoned,) have been removed to this cemetery. These new aves are mounded up and marked by wooden stakes. They number ree hundred and eighty-nine, and are classified as follows, viz:

White Union soldiers:

nown	118
ıknown	271
Total	389

The expenditures on account of this cemetery up to the 30th June, 74, are reported at $3,704.50.

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The estimate for the fiscal year 1875–'76 is—

For maintenance and repairs	$1,000
For trees and plants	300
For lodge	4,000
For inclosing-wall	6,720
Total	12,020

There is much work to be done here to get this cemetery in proper order.

NATIONAL CEMETERY NEAR THE CITY OF MEXICO.

In the Army appropriation bill for 1850 (chapter 78) there was a clause appropriating $10,000 "for purchasing, walling, and ditching a piece of land near the city of Mexico, for a cemetery or burial-ground for such of the officers and soldiers of our Army in the late war with Mexico as fell in battle or died in and around said city, and for the interment of American citizens who have died or may die in said city, to be expended under the direction of the President of the United States."

Under date of January 10, 1852, Hon. R. P. Letcher, our minister to Mexico, stated in a letter addressed to the Secretary of State, and transmitting the title-deeds, that—

> The burial-ground contains about two acres, and, it affords me great pleasure to say, has been admirably chosen. The situation in every respect is decidedly beautiful. I have very rarely seen, in the course of my life, a spot better suited for the purpose intended.
>
> The entire lot is inclosed by a high, thick wall, remarkably well constructed. The work is exceedingly well executed.
>
> The cottage designed as a residence for the sexton within the inclosure is a comfortable building and of good size.
>
> The remains of some four hundred and seventy or eighty officers and soldiers who fell in battle or died here during the late war with Mexico have been transferred from the commons and re-interred in the cemetery.
>
> The agent could not take up the remains of a greater number for the want of means, and I am sorry, very sorry, for it.

From this time but little seems to have been known of this cemetery, until General Rosecrans, when minister to Mexico, called the attention of the Government to its dilapidated condition. Several hundred dollars were then allowed to be expended in putting it in order from the funds of the Soldiers' Home.

By the act of March 3, 1874, (chapter 267,) this cemetery was declared to be subject to the rules and regulations affecting United States national cemeteries within the limits of the United States, so far as they may, in the opinion of the President, be applicable thereto; and authority was given to provide for its care and maintenance out of the annual appropriation for national cemeteries.

Dr. Julius A. Skelton, United States consul-general at the city of Mexico, has taken great interest in this cemetery, and has been intrusted with the local management of it and with the disbursement of the funds allowed for its care and improvement.

An artesian well has been sunk and a good supply of excellent water obtained. The keeper's lodge has been enlarged and repaired, the drives and walks graded, the drainage improved, and the trees and shrubbery cultivated and increased. The cemetery is now reported to be in fine condition.

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A keeper is hired at $900 per annum in currency. He resides at the cemetery. Labor is hired as required.

The number of interments reported as known is two hundred and thirty-eight.

The expenditures on account of this cemetery during the fiscal year ending June 30, 1874, are reported at $7,908.22.

The expenditures for the present fiscal year are estimated at $2,202.

GENERAL RECAPITULATION.

States.	White.		Colored.		Unknown and unclassified.	Total Union soldiers.	Citizens.	Rebel prisoners of war.
	Known.	Unknown.	Known.	Unknown.				
Maine	135	31				166		
New Hampshire	152	10				162		
Vermont	24					24		
Massachusetts	271					271		
Connecticut	220					220		
Delaware	71	12	3	1		87		140
New York	3,443	69	199	6		3,717		3,439
New Jersey	338	9				347		1,434
Pennsylvania	4,468	1,777				6,245		213
Maryland	6,617	2,180	250	7		9,054	19	2,298
District of Columbia	5,211	278				5,489	117	125
West Virginia	634	620				1,254		
Virginia	28,644	36,783	2,244	1,152		68,843	4,295	596
North Carolina	3,185	14,290	271	717		18,463	144	
South Carolina	4,032	6,340	795	950		12,117	78	
Georgia	19,673	3,813	174	162		23,822	21	118
Florida	803	801	154	98		1,856	83	72
Alabama	590	21	124	91		826	31	
Mississippi	5,774	10,622	240	8,721		25,367	2	
Louisiana	7,968	6,423	2,139	614	3,208	20,352	28	
Texas	740	349	980	1,169		3,238	38	
Arkansas	3,751	3,675	414	727		8,567	185	125
Tennessee	29,400	19,263	2,741	4,580		55,984	965	
Kentucky	6,866	2,335	940	177		10,318	102	
Ohio	1,682	34	18	77		1,811	1	2,337
Indiana	2,881	535	819	212		4,447	11	1,556
Illinois	3,780	2,926	388			7,094	14	7,948
Missouri	8,009	2,482	23	1,044		11,558	622	1,109
Kansas	863	878	89			1,830	288	14
Michigan	143	23				160		
Wisconsin	366	46				412		137
Iowa	1,051	21				1,072		
Indian Territory	197	2,099				2,296		
Nebraska	118	271				389		
City of Mexico		470				470	*238	
Total	152,117	119,496	13,005	20,505	3,208	306,331	7,242	21,661

* Mostly citizens.

GENERAL REMARKS.

There are seventy-six national cemeteries, including the one near the city of Mexico, and excluding the one on the Antietam battle-field, which has not been transferred to the United States yet, but will be probably in a year or two. Seventy of these cemeteries are in the immediate charge of superintendents. The others are either too small to require the presence of superintendents or are in the constant charge of responsible parties.

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The improved condition of the cemeteries, the comfortable dwellings provided at most of them, and the increased compensation of the superintendents, render these positions desirable, and they are much sought after.

Some poor appointments have been made, but generally the superintendents are a very respectable and intelligent class of men.

The system of allotting funds to the several cemeteries according to their respective requirements, and in proportion to the appropriations, insures the maintenance in a respectable manner of every cemetery, and enables the permanent improvements to be systematically prosecuted as funds are available.

The employment of civil engineers as inspectors of work done by contractors, is resulting in securing much better work than formerly at the national cemeteries.

The Government owns lots in many of the incorporated cemeteries in the country, but the contracts for furnishing and erecting head-stones embrace only the graves of Union soldiers buried in the national military cemeteries. It is thought, however, that if these contracts are faithfully carried out there will be a balance left of the appropriation of $1,000,000 sufficient to provide head-stones for the soldiers' graves in these lots, and also. in the Antietam cemetery, after it has been transferred to the United States.

A contract has been made for erecting the granite monument in the national cemetery at Salisbury, N. C., authorized by the act of Congress approved March 3, 1873, and appropriating $10,000 therefor.

The national cemeteries have generally been very much improved and beautified during the past two or three years, and they reflect great credit upon the liberality and thoughtfulness of the people.

OSCAR A. MACK,

Lieut. Col. Twenty-first Infantry, Inspector National Cemeteries.

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Green Lawn Cemetery, Columbus, Ohio 106
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Hampton National Cemetery, Virginia 40
Harrisburgh City Cemetery, Pennsylvania 13
Hope Cemetery, Worcester, Massachusetts 4
Jackson Cemetery, Michigan 126
Jefferson Barracks National Cemetery, Missouri 117
Jefferson City National Cemetery, Missouri 119
Johnson's Island (rebel) Cemetery, Ohio 109
Keokuk National Cemetery, Iowa 127
Key West Military Cemetery, Florida 66
Knoxville National Cemetery, Tennessee 92
Lafayette Cemetery, Pennsylvania 14
Laurel Cemetery, Maryland 24
Lebanon Cemetery, Kentucky 100
Lebanon Cemetery, Pennsylvania 17
Lexington National Cemetery, Kentucky 102
Limestone Hill Cemetery, Buffalo, New York ..... [illegible]
Little Rock National Cemetery, Arkansas 85
Loudon Park National Cemetery, Maryland 23
Marietta National Cemetery, Georgia 62
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Mill Spring National Cemetery, Kentucky 103
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Mound City National Cemetery, Illinois 112
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Point Lookout (rebel) Cemetery, Maryland 24
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43D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 29.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

IN ANSWER TO

A Senate resolution of February 2, 1875, transmitting information in relation to services rendered by William P. Adair and C. N. Vann, to the Osage Indians.

FEBRUARY 19, 1875.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 18, 1875.

SIR: I have the honor to acknowledge the receipt of Senate resolution dated February 2, 1875, as follows:

Resolved, That the Secretary of the Interior be requested to furnish the Senate with full information as to the nature of the services rendered by William P. Adair and C. N. Vann, for which the sum of fifty thousand dollars was paid to them out of the money belonging to the Osage Indians, and the authority by which said payment was made.

In reply, I transmit herewith a report from the Commissioner of Indian Affairs, relative to the subject-matter of said resolution, together with copies of documents relating thereto.

By the provisions of a treaty with the Great and Little Osage Indians made at Drum Creek, in the State of Kansas, May 27, 1868, a copy of which is herewith transmitted, all the lands of the Osages in said State were to be sold to the Leavenworth, Lawrence and Galveston Railroad Company at 12½ cents per acre, amounting in the aggregate to $1,600,000, payable, $100,000 in cash, and the balance in bonds of the company bearing interest at the rate of 5 per cent. per annum. This treaty was sent to the Senate for action June 13, 1868, and referred to the Committee on Indian Affairs. It was reported back by said committee, April 21, 1869, with amendments, a copy of which amended treaty is herewith transmitted. The amendments provided for a sale of the lands to six railway corporations, in certain specified proportions, but made no change in the price nor in the terms of payment from the original treaty.

This treaty was not finally acted upon at that session of Congress, but was pending at the meeting of the next session, in December, 1869. In the mean time the Commissioner had called upon the superintendent of

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Indian affairs for a report of the circumstances attending the making of the treaty, and the report of that officer is herewith transmitted.

November 10, 1869, the Osage council made a contract with Wm. P. Adair and C. N. Vann, attorneys at law and distinguished citizens of the Cherokee Nation, authorizing them to resist the ratification of the treaty and to use their influence to procure such legislation as would enable the Osages to obtain a higher price for the lands embraced in their reservation in Kansas. The consideration for the services named in the contract was a contingent fee of 50 per cent. of all moneys obtained from the sale of said lands in the excess of the amount named in the treaty to be paid by the railroad company.

The treaty had been favorably reported by the standing Committee on Indian Affairs, in the Senate, as has been shown, and was before the Senate for its action when that body assembled in December, 1869. The influence of six railway corporations interested in the ratification of the treaty seems to have led the attorneys to despair of defeating it in the Senate, and they therefore presented such facts and arguments to the President as induced him to withdraw the treaty before any action was had upon it.

Subsequently, a provision was incorporated in the Indian appropriation bill, passed July 15, 1870, (Stats., vol. 16, p. 362,) for the sale of the Osage reserve, at not less than $1.25 per acre. The proceeds of the sales of said lands, under the laws above cited, amounted to between $6,000,000 and $7,000,000, or over $5,000,000 more than the price named in the treaty. Under the original contract with Adair and Vann, their contingent fee would have been $2,500,000. The original contract was canceled by the Osage council in February, 1873, and a new contract made between the same parties, in which the fee was fixed at $330,000. This last-named contract was subsequently amended by the council, and the consideration reduced to $230,000. A copy of the last-mentioned contract accompanies this report.

The first official knowledge that the Indian Office or the Department had of any contract between the Osages and Messrs. Adair and Vann, was when the last above-mentioned contract was presented for action. The Commissioner of Indian Affairs, in a letter dated July 8, 1874, transmitted said contract to the honorable Secretary of the Interior, approved for $50,000, in which communication he referred to the services of Messrs. Adair and Vann as follows: "From the best information I can procure, I have no hesitation in admitting that the great gain to the Osages, amounting to over $5,000,000, in the final sale of their lands, was largely due to the services of Vann and Adair."

The feeling of the Osages in regard to the contract and the action of the Indian Office is shown in letter, herewith, from the Osage council, dated December 14, 1874.

A detailed statement of the services of Messrs. Adair and Vann will be found in the affidavit of Colonel Adair, a copy of which is transmitted with the papers.

The resolution further inquires upon what authority said payment was made.

Attention is invited to section 1 of the act of Congress "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes," (Stats. at Large, 1st sess. 43d Cong., pamphlet edition, p. 161,) containing the following provision:

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For interest on seven hundred and twenty thousand seven hundred and forty-nine dollars, at five per centum per annum, to be used for such objects as the Secretary of the Interior may direct, as per act of July fifteenth eighteen hundred and seventy, thirty-six thousand and thirty-seven dollars and forty-five cents: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to expend from the proceeds of the sale of lands of the Great and Little Osage Indians provided to be sold by section twelve of said act of July fifteenth, eighteen hundred and seventy, the sum of two hundred thousand dollars per annum for two years, or so much thereof as may be necessary for the purchase of stock and agricultural implements, opening farms, erection of houses, and for the civilization of the Osages and of their tribal government.

August 5, 1874, a requisition was drawn upon the fund thus provided, in favor of Wm. P. Adair and C. N. Vann, for $50,000, and the evidence that the sum was paid from said fund is contained in a letter from the Hon. Assistant Secretary of the Treasury, dated February 15, 1875, transmitted herewith.

I cannot conceive what should have given rise to the suspicion that this payment was made from the proceeds of the sales of the Osage lands, without authority of law, unless it be from the statement of the account of that fund published in the last Report of the Commissioner of Indian Affairs, page 141. The foregoing detail of this transaction is perfectly conclusive as to its entire regularity in all its details, and the statement referred to in the annual report is erroneous.

The author of this communication deems it proper to state that when the contract of Messrs. Adair and Vann came before the Department from the Indian Office, the Hon. Secretary of the Interior was absent from the city, and the subject was referred to the Assistant Attorney-General. With the advice and concurrence of that officer, the recommendation of the Commissioner of Indian Affairs was approved by the Acting Secretary, and a requisition was drawn upon the Treasury as heretofore stated.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The PRESIDENT *of the Senate of the United States.*

List of accompanying papers.

No. 1. Copy of treaty between United States and Osages, May 27, 1868.
No. 2. Copy of treaty as amended by Senate committee, reported June 13, 1868.
No. 3. Copy of letter of Commissioner of Indian Affairs, August 20, 1869, with printed slip.
No. 4. Copy of report of Superintendent Hoag, October 11, 1869.
No. 5. Copy of contract of Adair and Vann with Osages, February 8, 1873.
No. 6. Copy of letter of Superintendent Hoag, May 1, 1874, transmitting protest and letter of Osages against said contract.
No. 7. Copy of letter of Osages, August 27, 1873, and protest sent by Superintendent Hoag.
No. 8. Copy of letter of Commissioner of Indian Affairs, submitting contract of Adair and Vann (No. 5) with Osages.
No. 9. Copy of affidavit of Colonel Adair.
No. 10. Copy of letter of Department, (July 21, 1874,) returning contract to Indian Office approved for $50,000.
No. 11. Copy of letter of Indian Office relative to appropriation from which payment shall be made, July 23, 1874.
No. 12. Copy of answer of Department of Interior to above, July 30, 1874.
No. 13. Copy of letter from Osage council approving action.
No 14. Copy of report of Indian Office, February 12, 1875, on reference of Senate resolution.
No. 15. Copy of letter from Assistant Secretary of the Treasury, showing fund from which payment of Messrs. Adair and Vann was made.

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No. 1.

TREATY BETWEEN THE UNITED STATES AND THE GREAT AND LITTLE OSAGE TRIBE OF INDIANS, CONCLUDED THE 27TH DAY OF MAY, 1866.

Articles of a treaty made and concluded at the Osage council-ground, on Drum Creek, in the Osage Nation, in the State of Kansas, on the 27th day of May, A. D. 1866, by and between the United States, represented by Nathaniel G. Taylor, Commissioner of Indian Affairs, Thomas Murphy, superintendent of Indian affairs for the Central Superintendency, George C. Snow, agent for the Indians of the Neosho agency, and Albert G. Boone, special agent, (commissioners duly appointed by the President of the United States for that purpose,) and the Great and Little Osage tribes of Indians, represented by their chiefs, councilmen, and head-men duly authorized to negotiate and treat in behalf of said tribe, as follows:

ARTICLE I.

The tribe of the Great and Little Osage Indians are desirous of removing from Kansas to a new and permanent home in the Indian Territory, and of making an advantageous and absolute sale of their lands in the State of Kansas. They desire, moreover, to so dispose of these lands as to aid in the speedy extension of the Leavenworth, Lawrence and Galveston Railroad to and through the Indian Territory, it being the only road now in process of construction running directly through the said Territory which is to be the future home of themselves and their race, and for the further reason that it will give them in their new home the means of transit and transportation, and will tend to promote among them and their brethren the arts and habits of civilized life. The Government of the United States is willing that the company constructing said railroad may become the purchasers of said lands on terms favorable to the Osages and the settlers, because said railroad has received from the United States no money-subsidies and only an inconsiderable land-grant, and because, when constructed, it will become a great trunk-line from the Missouri River to the Gulf of Mexico, and with its branches will open to settlement vast and fertile districts now too remote from railroads and navigable waters to be susceptible of advantageous settlement and cultivation. It is therefore agreed that the Leavenworth, Lawrence and Galveston Railroad Company, a corporation duly organized under the laws of the State of Kansas, shall have the privilege of purchasing the present reserve of the Osages in Kansas, and also the strip of land lying along the north border of the present reservation, ceded to the United States in trust by article second of the treaty between the United States and the Great and Little Osage Indians, concluded September 29, 1865, on the following terms and conditions: Said company shall, within three months after the ratification and promulgation of this treaty, pay to the Secretary of the Interior one hundred thousand dollars in cash, and shall execute and deliver to him its bonds for the further sum of one million five hundred thousand dollars, bearing interest, payable semi-annually, at the rate of five per cent. per annum; the interest on said bonds to commence when the Osages remove from their present reservation, which date shall be fixed, and notice thereof given to the company, by the Secretary of the Interior. One hundred thousand dollars of said bonds shall become due and payable each and every year after the date of execution thereof, so that the last one hundred thousand dollars of said bonds shall become due and payable in fifteen years from the date of execution thereof. And if said company shall pay the said sum of one hundred thousand dollars, and deliver its said bonds, bearing interest, for one million five hundred thousand dollars, as above provided, and shall, one year thereafter, pay one hundred thousand dollars of said bonds, and interest on the whole of said bonds from the date when said interest shall have begun to accrue, and shall have built and equipped not less than twenty miles of said railroad from Ottawa, Kansas, in a southerly direction, then patents shall be issued to it by the Secretary of the Interior for an amount of said lands to be designated under his direction, equal in value to one-fifteenth part of the lands which are herein authorized to be sold to said company, deducting and excepting, however, from said amount of land the lands which shall have been, between the date of the purchase by said company and that date, purchased by settlers as hereinafter provided. And if said company shall, annually thereafter, pay one hundred thousand dollars of said bonds, and interest as thereinbefore provided on all the remaining bonds, and shall, each and every year thereafter, build and equip not less than twenty miles of said road until the same shall have reached the southern boundary of the State of Kansas, it shall, at the date of each of such annual payments, receive patents for a like amount in value of said lands, to be selected under the direction of the Secretary of the Interior, deducting and excepting from said amount the lands which shall have been, between the date of the next preceding payment and that date, pre-empted and paid for as hereinafter provided; and on payment of the last of said bonds and interest, as herein provided, it shall be entitled to receive patents for all the remainder of said lands herein authorized to be sold to it.

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The whole of said lands, if purchased by said company, shall be appraised, at its expense, by three disinterested appraisers to be appointed by the Secretary of the Interior, whose compensation shall not exceed ten dollars per day in full for services and expenses, and whose appraisal, when approved by the Secretary of the Interior, shall govern in ascertaining the relative value of the amounts of land from time to time selected and paid for, as hereinbefore provided. When said company shall make its first payment and deliver its bonds to the Secretary of the Interior, as above provided, he shall execute and deliver to it a certificate setting forth the fact that it has elected to purchase the lands herein provided to be sold, and is entitled to the possession and use of the same; which certificate shall be evidence of the right of said company to the possession and use of the said lands so long as it shall comply with the conditions of purchase therein prescribed as against all persons except Osages or other persons connected with the nation as may have authority from the Secretary of the Interior to remain temporarily on said lands. But such certificates shall not authorize the taking of any timber or stone from any of said lands, except from such as shall have been selected and paid for as herein provided.

None of said lands shall be subject to taxation except such as shall have been patented to said company, or selected and paid for as above provided. And whenever any patent shall issue to said railroad company for any part of said lands, it shall contain the condition that said company shall sell the lands described in said patent, except so much as may be necessary for the operation of said road, within five years from the issuance of said patent. But if the said company shall fail to pay the said sum of one hundred thousand dollars first above mentioned, and to deliver its bonds for one million five hundred thousand dollars, as above provided, within three months from the ratification and promulgation of this treaty, then it shall have no exclusive right of purchasing said lands, but the lands shall then be surveyed under the direction of the Secretary of the Interior, and appraised by three disinterested appraisers, to be by him appointed, and offered for sale to actual settlers for a period of one year from the promulgation of this treaty, at not less than its appraised value, under such rules and regulations as the Secretary of the Interior may, from time to time, prescribe. And at the expiration of said year, should any of said lands remain unsold, the Secretary of the Interior shall cause the same to be sold in a body for cash, at not less than its appraised value. The proceeds of such sales, as they accrue, after deducting the expenses of survey and appraisement, shall be invested by the Secretary of the Interior for the benefit of said Indians, as hereinafter provided.

The Secretary of the Interior may proceed to sell the said lands in a body on the most advantageous terms: *Provided, however*, That the same conditions and terms shall be observed as herein stipulated: *And provided further*, That said lands shall not be sold for less than the price herein agreed to be paid therefor. In the event that after sufficient notice has been given no sale can be made of said lands in the manner last aforesaid, and if the said company shall, after paying said sum of one hundred thousand dollars, and delivering said one million five hundred thousand dollars of bonds, fail to make payment of any portion of the principal or interest remaining due within thirty days from the date when the same shall become due and payable, said company shall forfeit all its right to any portion of said lands not heretofore selected and paid for. And all of said lands herein provided to be sold to said company, which shall remain unpaid for, shall thereupon be sold by the Secretary of the Interior in the manner hereinbefore provided. And in case said company shall desire to pay any portion of said bonds before the same shall become due and payable, it shall be permitted to do so, and shall be entitled on such payment to have lands selected and patented to it in like manner as on the payment of the bonds when due. And no patent shall issue to any assignee of said company for any of the lands purchased by it under the provisions hereof.

ARTICLE II.

The right of way is hereby granted to said company through the lands herein authorized to be sold, not exceeding 100 feet in width, and the right to take from said land such timber, stone, water, and other material as may be necessary for the construction and operation of the road, and for the construction of its stations, culverts, and bridges: *Provided, however*, That no timber or stone shall be taken by the company or its agents from any of the lands not paid for, and not included in said right of way, except on payment of the fair value of such timber or stone, and under such regulations as the Secretary of the Interior shall prescribe, for which amounts the company shall be entitled to credit on paying, as herein provided, for the lands from which such timber and stone may have been taken.

ARTICLE III.

The proceeds of the sales of the lands herein authorized to be sold shall be invested for the Osage Nation in United States registered stocks, except as hereinafter provided, and the interest thereof shall be applied semi-annually, under the direction of the Sec-

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retary of the Interior, as follows: The interest on one hundred thousand dollars shall be paid in support of schools in said nation; the interest on three hundred thousand dollars shall be paid in cash for national purposes; five thousand two hundred dollars thereof shall be paid as compensation to the chiefs and councilors of the nation; five thousand shall be expended for the encouragement of agriculture, to be paid *pro rata* to each head of a family in proportion to the number of acres cultivated and improvements made thereon by individual members of the tribe, the object being to encourage real industry among them; the remaining four thousand eight hundred dollars shall be expended under the direction of the council and agent for the tribe, in the payment of such other expenses as may be necessary for the benefit and support of their national government; and the interest on the balance shall be paid to the members of the nation *per capita*, or to the council for distribution, in money, goods, provisions, and other articles of necessity, as the council of the nation and the agent for the tribe may recommend, under the direction of the Commissioner of Indian Affairs.

ARTICLE IV.

All persons being heads of families and citizens of the United States, or members of any tribe at peace with the United States, who have settled on the strip north of the present Osage reservation, known as the "trust-lands," and are, at the date of the ratification hereof, residing thereon as bona fide settlers, shall have the privilege, at any time within one year from the date of the ratification of this treaty, of purchasing from the United States a quarter-section, one hundred and sixty acres, at one dollar and twenty-five cents per acre, to be selected in [one] *a compact body*, according to legal subdivisions, and to include, as far as practicable, the improvements of each settler: *Provided, however*, That said quarter-section shall not consist or be made up from parts of different quarter-sections.

ARTICLE V.

Nothing in this treaty shall be held to impair the rights of half-breed Osages, and of the heirs of Joseph Swiss, under the provisions of article fourteen (14) of the treaty concluded September 29, 1865; and it is hereby declared that the following persons are the heirs, and the only heirs, according to the Osages' customs and laws, of the said Joseph Swiss, viz: Phebe Bayette, Julia Ravellette, Julia Ann Delorien, and Jacob Swiss; and it is hereby provided that the improvements of said half-breeds now on the lands herein stipulated to be sold shall be appraised by the commissioners appointed to appraise these lands, and the value thereof shall be paid to the owners of said improvements by the parties purchasing them, within six months after the ratification of this treaty.

They shall have an equal right, in proportion to their number, with the full-blood Indians in all the benefits to be derived from this and all former treaties with the Osage Indians, and shall select from their number one of their people, who shall represent them in the councils of the nation, upon an equal footing with the other members of said council.

ARTICLE VI.

As a compensation to the Osages for the stock and farming utensils which the United States agreed to furnish them by the second article of the treaty of January 11, 1833, and which were only in part furnished, the United States agrees to pay the said nation twenty thousand dollars; and as compensation for the saw and grist mills which the United States agreed by said treaty to maintain for them for fifteen years, and which were only maintained five years, the United States agrees to pay said nation ten thousand dollars; which sums shall be expended under the direction of the Commissioner of Indian Affairs, in the following manner: twelve thousand dollars in erecting agency-buildings, a warehouse, and blacksmiths' dwellings, and a blacksmith-shop, and the remaining eighteen thousand dollars in the erection of a school-house and church, and the purchase of a saw and grist mill, which mill is to be managed and controlled by the society in charge of the Catholic mission, for the benefit of said Indians.

ARTICLE VII.

The reservation herein authorized to be sold shall be surveyed as other public lands are surveyed, under the direction of the Secretary of the Interior, and the expenses of survey paid by the said Leavenworth, Lawrence and Galveston Railroad Company.

ARTICLE VIII.

If the proceeds of the sale of the lands ceded to the United States by the first article of the treaty of January 21, 1867, shall exceed the amount of purchase-money paid

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therefor by the United States and expenses incident to the survey and sale thereof, then the remaining proceeds shall be invested for the Osages in United States registered stocks, and the interest thereon applied semi-annually as other annuities.

ARTICLE IX.

The Osage Indians being sensible of the great benefits they have received from the Catholic mission, and being desirous to have said mission go with them to their new homes, it is hereby stipulated that two sections of land, to be selected by said society at or near the agency, shall be granted in fee-simple to John Shoemaker, in trust, for the use and benefit of the society sustaining said mission, and it shall have the free use of such timber and firewood as may be necessary for the use of said mission and school, on condition that said society shall establish and maintain a mission and school for the education and civilization of the Osages. But if the said society shall fail to avail itself of the provisions of this treaty within twelve months after the removal of said Indians to their new home, it shall forfeit all the rights, privileges, and immunities herein conferred upon it, including said lands, in which contingency these same rights, privileges, and benefits so forfeited shall inure to any other Christian society willing to assume the duties and responsibilities and comply with the conditions herein enjoined on said mission: *Provided, however*, That in the event no Christian society should avail themselves of the benefits herein provided within two years from the removal of said Indians to their new homes, then all funds herein set apart for said school and missionary purposes shall be applied, under the direction of the Commissioner of Indian Affairs, to such purposes as in his judgment will best promote the moral, intellectual, and industrial interests of the Osage Nation: *Provided*, That the annual expenditure for school purposes may be increased at the discretion of the Commissioner of Indian Affairs to an amount not to exceed five thousand dollars, as in his judgment the educational necessities of the Osages may require, to be deducted from the annuities.

ARTICLE X.

The Great and Little Osage Nation of Indians being anxious to relieve themselves from the burden of their present liabilities, and it being essential to their best interests that they should be allowed to commence their new mode of life free from the embarrassment of debt, it is hereby stipulated and agreed, that all just and valid debts which may be due and unpaid at the date of the signing of this treaty, either to whites or Indians, by said Osages, shall be liquidated and paid out of the funds arising from the sale of the lands herein stipulated to be sold, so far as the same shall be found just and valid on an examination thereof, to be made by the agent of the tribe and the superintendent of Indian affairs for the Central Superintendency, whose duty it shall be to examine all claims presented to them within one year from the promulgation of this treaty, and to take in writing the evidence in favor of and against said claims; and after having made such examination they shall submit said claims to the national council of the Osage Nation for their approval or rejection, and report their proceedings thereon, with the evidence and decision of the council, and their opinions in each individual case, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be final: *Provided*, That the amount so allowed and paid shall not exceed forty thousand dollars: *And provided further*, That if the amount of just claims shall exceed the sum of forty thousand dollars, the said amount of forty thousand dollars shall be divided *pro rata* among the different claimants whose claims shall have been established and allowed.

ARTICLE XI.

The United States agrees that the agent for said Indians in the future shall make his home at the agency-buildings; that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE XII.

If any individual belonging to said tribe of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation not exceeding three hundred and twenty acres in extent, which tract, when selected, certified, and recorded in the land-book, as

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herein directed, shall cease to be held in common; but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may in like manner select, and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same, as above directed. For each tract of land so selected, a certificate, containing a description thereof, and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book, to be kept in his office, subject to inspection, which said book shall be known as the "Osage Land-Book." The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the title held by each. The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservation and the internal police thereof, as may be thought proper.

Article XIII.

It is hereby agreed that the first article of the treaty made at Conville trading-post, Osage Nation, in the State of Kansas, on the 29th day of September, A. D. 1865, by and between the United States and the Osage tribe of Indians, shall be, and hereby is, so amended as to strike out in the second line of the fourth page, (printed copy,) after the word "Interior," the words "*on the most advantageous terms*," and in the third and fourth line, after the word "laws," strike out the words "*no pre-emption claim*," so as to make the clause, of which the words stricken out are members, read as follows: "Said lands shall be surveyed and sold under the direction of the Secretary of the Interior for cash, as public lands are surveyed and sold under existing laws, but no homestead settlements shall be recognized." It is also agreed to add after the last word in the amended clause, viz, "recognized:" *Provided*, That nothing in this amendment shall be so construed as to diminish in any way the funds derivable to the Indians under said treaty, or construed so as to interfere with vested rights under said treaty.

Article XIV.

The United States hereby agrees to sell to the Great and Little Osage tribes of Indians, for their future home, at a price not to exceed twenty-five cents per acre, the following-described district of country, viz: commencing at a point where the ninety-sixth (96) meridian west from Greenwich crosses the south line of the State of Kansas: thence south on said meridian to the north line of the Creek country; thence west on said north line to a point where said line crosses the Arkansas River; thence up said Arkansas River, in the middle of the main channel thereof, to a point where the south line of the State of Kansas crosses said Arkansas River; thence east on the said State line to place of beginning. It is hereby agreed that the United States shall, at its own expense, cause the boundary lines of said country to be surveyed and marked by permanent and conspicuous monuments. Said survey to be made under the direction of the Commissioner of Indian Affairs. And it is hereby stipulated and agreed, that when the United States has secured a title to the above-described lands, the Osages shall be required to remove and reside thereon: but nothing in this treaty shall be so construed as to compel the said Indians to remove from their present reservation until the Government has secured said title, and notice thereof given by the Commissioner of Indian Affairs to the agent of said Indians.

Article XV.

The Osage tribe of Indians hereby assent to any alterations or amendments which the Senate of the United States may make to this treaty: *Provided*, That such alterations or amendments do not affect the rights and interest of said Osage Indians as defined and secured in this and former treaties.

Article XVI.

The Osages acknowledge their dependence on the Government of the United States, and invoke its protection and care. They desire peace, and promise to abstain from war, and commit no depredations on either white citizens or Indians; and they further agree to use their best efforts to suppress the introduction and use of ardent spirits in their country.

Article XVII.

The United States hereby agree to pay to the Great and Little Osage tribes of Indians a just and fair compensation for stock stolen from them by whites since the ratification of the treaty of September 29, 1865, and it is made the duty of the agent of the said tribe to investigate all claims of this character, and report the same, with the proof in each case, to the Commissioner of Indian Affairs within three months from the ratification

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of this treaty: *Provided*, That before the United States shall have become bound to pay said claim, it shall be submitted to Congress and approved by it, both as to the justice of the claim and its amount.

ARTICLE XVIII.

It is hereby agreed that the Commissioner of Indian Affairs shall make an examination of the accounts of the Osage tribe of Indians, and if he finds that the sum of three thousand dollars due Clairmont, a chief of said tribe, under the ninth article of the treaty of 1839, has never been paid to said chief, he shall cause the said sum to be paid to the said Clairmont for the sole use and benefit of the band of which he is chief.

In testimony whereof, the undersigned, the said Nathaniel G. Taylor, Thomas Murphy, George C. Snow, and Albert G. Boone, commissioners as aforesaid, on behalf of the United States, and the undersigned chiefs and head-men of the Great and Little Osage tribes of Indians, have hereunto set their hands and seals, at the place, day, and year first above written.

N. G. TAYLOR, [SEAL.]
President of the Commission.
THOMAS MURPHY, [SEAL.]
GEORGE C. SNOW, [SEAL.]
ALBERT G. BOONE, [SEAL.]
Commissioners.
A. N. BLACKLIDGE,
Secretary of the Commission.
JOSEPH PAW-NE-NO-PASHE,
White Hair, his x mark,
Principal Chief.

GAH-HE-GAH-TON-GAH, (chief Clamor's band,)	his x mark.
BLACK DOG, (chief of the Black Dog's band,)	his x mark.
DOG THIEF, (2d chief Big Hill band,)	his x mark.
MON-SHON-O-LAR-KA, (2d chief Young Clamant's band,)	his x mark.
WILLIAM PENN, (2d chief Black Dog's band,)	his x mark.
BIG HEART,	his x mark.
KAN-SA GAH-NE, (1st councilor to Big Hill band,)	his x mark.
CHE-SHA-LA-SHA, (3d chief Big Hills,)	his x mark.
WA-CHE WA-HE, (3d chief Clamont's band.)	his x mark.
MAJOR BROKE-ARM, (3d chief Black Dog's band.)	his x mark.
MA-I-KA-HA, (4th chief Black Dog's band,)	his x mark.
CLARMONT, (chief of Clarmont band,)	his x mark.
TON-NON-GE-HE, (chief Big Hill band)	his x mark.
LITTLE BEAVER, (2d chief White Hair's band,)	his x mark.
NO-PA-WALE, (1st chief Little Osages,)	his x mark.
STRIKE AXE, (2d chief Little Osages,)	his x mark.
TALLARS, 2d chief Clannor's band,)	his x mark.
WAH-HO-PA-WAH-NO-SHA,	his x mark.
WA-SHO-PI-WAT-TANKA, (4th chief Little Osages,)	his x mark.
WA-TI-SANKA, (4th chief Little Osages,)	his x mark.
TAES-A-WATANGA, (3d chief To-nan-sha-hees,)	his x mark.
WY-O-HA-KE, (3d chief Little Osages,)	his x mark.
TALL CHIEF, (4th chief Big Hills,)	his x mark.
MO-EN-E-SHE,	his x mark.
HO-WA-SA-PA, (Big Chief's band,)	his x mark.
WA-TA-AN-KA, (principal councilor of Big Chief's band,)	his x mark.
NE-KA-KA-HONLY, (principal councilor of Black Dog's band,)	his x mark.
BLACK BIRD, (Joe's band,)	his x mark.
NON-SE-AN-KA, (Black Dog's band,)	his x mark.
WA-KO-E-WA-SHA, (Big Hill brave,)	his x mark.
SA-PA-KE-SA, (2d councilor to Big Camer,)	his x mark.
WAS-COME-MA-NEH, (Clarmont brave,)	his x mark.
TO-TAN-KA-SHE, (Clarmont brave,)	his x mark.
SA-PA-KO-O, (Clarmont brave,)	his x mark.
WA-SHA-SHE-WAT-IAN-KER, (Clarmont brave,)	his x mark.
MO-SHA-O-KER-SHAN, (Big Hill brave,)	his x mark.
CHE-WA-TE, (Little Osage,)	his x mark.
WA-HO-PA-INKA, (Little Osage,)	his x mark.
MATHEW, (Little Osage,)	his x mark.
HARD CHIEF, (Little Osage,)	his x mark.
WA-KA-LE-SHA, (Little Osage,)	his x mark.
SHINKA-WA-TI, (Little Osage,)	his x mark.
WA-SHO-SHE, (Little Osage,)	his x mark.
PA-NE-NO-PA-SHA, (Little Osage,)	his x mark.
CHETOPAH, (principal councilor Little Osages,)	his x mark.

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HARD ROPE, (White Hair's principal councilor,)	his x mark.
WE-PI-SHE-WAY-LAP, (Beaver's councilor,)	his x mark.
KE-NO-E-NEN-KE, (2d councilor to White Hair,)	his x mark.
WA-LA-HO-NA, (councilor to White Hair's band,)	his x mark.
KA-KE-K-WA-TI-ANKI, (little chief White Hair's band,)	his x mark.
TA-PI-GUA-LA, (little chief White Hair's band,)	his x mark.
YELLOW HORSE, (Big Hill brave,)	his x mark.
GO-SHE-SHEER, (brave Big Hill band,)	his x mark.
NO-SON-TA-SHE, (Big Hill brave,)	his x mark.
NE-KO-CON-SEE, (Big Hill brave,)	his x mark.
WA-PE-SUM-SEE,	his x mark.
NE-KO-LEVERLA,	his x mark.
VA-HA-SU-SHE, (3d chief Big Hills,)	his x mark.
JOSEPH, (Paw-ne-no-push's braves,)	
OR-LE-HE-NON-SHE,	his x mark.
CHO-SHE-MON-NEE,	his x mark.
HIM-SHA-GA-CIRE,	his x mark.
WA-KON-TA OKEE,	his x mark.
WA-SHIN-PE-SHE,	his x mark.
GRON-NA-TA-NE-GAH,	his x mark.
HA-GHA-NEE,	his x mark.
NE-CHAR-YOU-LAW,	his x mark.
PAW-NEE-WAY-NA-TAW,	his x mark.
WA-HON-GA-TA-GON-SHEE,	his x mark.
WAR EAGLE,	his x mark.
NEE-CHA-NA-SHON-TOW-GA,	his x mark.
KA-KE-GA-WA-TA-GHE,	his x mark.
NON-SON-DO-SHE,	his x mark.
WA-MON-CHA-NA-CHE,	his x mark.
PA-HON-DO-GRA-HE,	his x mark.
STRIKE AXE,	his x mark.
KATUM-MO-NEE, (White Hair brave,)	his x mark.
PE-SHE-O-LA-HA, (White Hair brave,)	his x mark.
WA-SHE-TI-IN-GAH, (White Hair brave,)	his x mark.
BIG ELK, (White Hair brave,)	his x mark.
KI-HE-KI-NA-SHE-P-SHE, (Beaver's little chief,)	his x mark.
KA-HE-GA-STA-KA, (little chief Beaver's band,)	his x mark.
VE-NE-KA-KA, (little chief Beaver's band,)	his x mark.
WOLFE, (little chief Beaver's band,)	his x mark.
WA-NO-PA-SHE,	his x mark.
NE-KO-LE-BRA,	his x mark.
SHIN-KO-WA-SAH, (Beaver's councilor,)	his x mark.
MEN-TI-ANKA, (brave,)	his x mark.
O-PON-TO-GA, (3d chief Clarmont's band,)	his x mark.
WA-HE-SA-HE, (principal councilor old Lamor,)	his x mark.
HO-NE-KA-SHE,	his x mark.
NIGHT,	his x mark.
WOLFE, (4th chief Clamore's band,)	his x mark.
KOB-BA-SHE,	his x mark.
WA-SHA-TUN-KA,	his x mark.
HER-LA-SHE,	his x mark.
LE-HE-PIE,	his x mark.
PA-HUNGRA-HA-KIE,	his x mark.
NE-KA-GONE,	his x mark.
MA-KE-O-TI-KE,	his x mark.
ME-LO-TU-MU-NI, (Twelve O'clock,)	his x mark.
O-CUNSE-WA-SKUN,	his x mark.
NO-PA-WA-HRE,	his x mark.
KA-LA-WA-SHO-SHE,	his x mark.
KON-SA-KEE-A-REE,	his x mark.
O-KEE-PA-LO,	his x mark.

Signed in our presence, this 27th day of May, anno Domini 1868.

ALEX'R R. BANKS, *Special United States Indian Agent.*
GEORGE W. YATES, *Captain Seventh United States Cavalry.*
I. S. KALLOCH.
M. W. REYNOLDS, *Reporter for Commission.*
MOSES NEAL.
CHARLES ROBINSON.
W. P. MURPHY.
WILLIAM BABCOCK.

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The undersigned, interpreters of the said nation, do hereby certify that the foregoing treaty was read and interpreted by us to the above-named chiefs and head-men of the Osage Nation, and that they declared themselves satisfied therewith, and signed the same in our presence.

ALEXANDER BEYETT,
United States Interpreter.
LEWIS P. CHOTEAU,
Special Interpreter.
AUGUSTUS CAPTAIRE,
Special Interpreter.

No. 2.

The foregoing treaty was submitted to the Senate, and referred to the standing Committee on Indian Affairs, June 13, 1868; said committee reported it back so amended as to read as follows:

TREATY BETWEEN THE UNITED STATES AND THE GREAT AND LITTLE OSAGE TRIBE OF INDIANS, CONCLUDED THE 27TH DAY OF MAY, 1868.

Articles of a treaty made and concluded at the Osage council grounds, on Drum Creek, in the Osage Nation, in the State of Kansas, on the 27th day of May, A. D. 1868, by and between the United States, represented by Nathaniel G. Taylor, Commissioner of Indian Affairs, Thomas Murphy, superintendent of Indian affairs for the Central Superintendency, George C. Snow, agent for the Indians of the Neosho agency, and Albert C. Boone, special agent, (commissioners duly appointed by the President of the United States for that purpose,) and the Great and Little Osage tribe of Indians, represented by their chiefs, councilmen, and head-men duly authorized to negotiate and treat in behalf of said tribe, as follows:

ARTICLE I.

It is agreed by and between the parties hereto, that the present reserve of the sages in Kansas, and also the strip of land lying along the north border of said eserve, ceded to the United States, in trust, by article second of the treaty between ie United States and the Great and Little Osages, concluded September 29, 1865, may e sold for the sum of $1,600,000 to the Leavenworth, Lawrence and Galveston Raiload Company, the Atchison, Topeka and Santa Fé Railroad Company, the Missouri, ort Scott and Santa Fé Railroad Company, the Union Pacific Railway Southern ranch Company, the Leavenworth and Topeka Railway Company, and the Lawrence d Neosho Valley Railroad Company, (corporations duly organized under the laws of ie State of Kansas,) on the following terms and conditions, to wit:

The Leavenworth, Lawrence and Galveston Railroad Company, and the Atchison, opeka and Santa Fé Railroad Company, may each purchase five-sixteenths of said nds by each paying $31,250 in cash, and each executing and delivering its bond for e further sum of $468,750; and the Missouri, Fort Scott, and Santa Fé Railroad Comany, and the Lawrence and Neosho Valley Railroad Company, may each purchase e-eighth of said lands by each paying $12,500 in cash, and each executing and derering its bond for the further sum of $187,500; and the Union Pacific Railway uthern Branch Company, and the Leavenworth and Topeka Railway Company, may ch purchase one-sixteenth of said lands by each paying $6,250, and each executing d delivering its bond for the further sum of $93,750. Each of said companies shall ake its said cash payment and execute and deliver its said bond to the Secretary of e Interior within ninety days from the promulgation of this treaty; and the bond of ch company shall be for the payment of the sum named to the United States, in ten ual annual installments, with interest, payable annually, at the rate of 5 per cent. per nnum, from the date fixed for the removal of the Osages from their present reservan; which date shall be fixed, and notice thereof given to each of said companies, by e Secretary of the Interior.

And if either of said companies shall fail to pay to the Secretary of the Interior in l said hand payment, or any part of the principal or interest of its bond, within rty days from the date when the same becomes due and payable, it shall not be itled thereafter to receive any part of said lands, or of the proceeds thereof, as einafter provided; and the Secretary of the Interior shall, in that event, cause the portion of the proceeds of sales of said lands, which would otherwise have been lited to such company, to be invested for the benefit of the Osages, under the d article of this treaty. But either of said companies may pay any part of the ncipal or interest of its bond before the same becomes due.

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The Leavenworth, Lawrence and Galveston Railroad Company shall, each and every year from the promulgation of this treaty, construct and equip thirty miles of its railroad southward from the town of Ottawa, until said railroad shall be constructed and equipped to the southern boundary of the State of Kansas. And within three years from the ratification of this treaty, (or within one year after a railway-bridge shall have been constructed across the Kansas River, at or near Lawrence, for the use of said Leavenworth, Lawrence and Galveston Railroad Company,) said company, its successors and assigns, shall construct, or permanently control for its use, and operate a continuous line of railway from Fort Leavenworth to the southern boundary of the State of Kansas, via Lawrence. And within ninety days from the ratification of this treaty, said company shall execute and file with the Secretary of the Interior an agreement with the United States to construct, or control and operate said road as aforesaid, and always thereafter to run through trains from Fort Leavenworth, or Leavenworth City, to the southern boundary of the State of Kansas; agreeing and stipulating in said agreement to forfeit the sum of $1,000 as liquidated damages for each and every neglect and default to run trains and to operate said road as aforesaid, except when unavoidable accident shall prevent the running of said trains as aforesaid, such exceptions being wholly in the decision of the Secretary of the Interior: *Provided, however*, That the city of Leavenworth shall grant the right of way to said Leavenworth, Lawrence and Galveston Railroad Company along the river front of said city, either to said company alone, or in common with other railroads whose route may run along the said river front.

The Atchison, Topeka and Santa Fé Railroad Company shall, within 18 months from the promulgation of this treaty, and each and every year thereafter, construct and equip twenty-five miles of its railroad from Topeka via Emporia, crossing the Arkansas River on the lands herein authorized to be sold, to the southern or western boundary of said lands, in the general direction of Santa Fé, New Mexico.

The Lawrence and Neosho Valley Railroad Company shall, within 18 months after the promulgation of this treaty, and each and every year thereafter, construct and equip twenty-five miles of its railroad from Lawrence in the direction of Emporia until a junction with the Atchison, Topeka and Santa Fé Railroad is made.

The Missouri, Fort Scott, and Santa Fé Railroad Company shall, within 18 months from the promulgation of this treaty, and each and every year thereafter, construct and equip twenty miles of its railroad, or the eastern connections thereof, until its line is constructed and equipped from Fort Scott, Kansas, to its eastern terminus on the Missouri Pacific Railroad.

The Union Pacific Railway Southern Branch Company shall, within 18 months from the promulgation of this treaty, and each and every year thereafter, construct and equip twenty-five miles of its railroad from Junction City or Fort Riley to its point of intersection with the line of the Leavenworth, Lawrence and Galveston Railroad in the Neosho Valley.

The Leavenworth and Topeka Railroad Company shall, within 18 months from the promulgation of this treaty, and each and every year thereafter, construct and equip twenty-five miles of its railroad from Leavenworth to Topeka, Kansas.

And said railroad companies shall, after the construction of their said roads, or any part thereof, always transport for the United States all mails, troops, munitions of war, and supplies for troops, or for Indian tribes, at the same rates as are or may be prescribed by law for similar transportation on the Union Pacific Railroad. A failure on the part of either of said companies to construct any section of its line within the time specified above, shall work a forfeiture of all its rights under this article, except to lands patented to it as hereinafter provided, unless the President, with the advice and consent of the Senate, for good cause shown, shall consent to an extension of such time.

Such of said lands as are not now surveyed shall be surveyed from time to time, as may be necessary, under the direction of the Secretary of the Interior, as public lands are surveyed. All of said lands, except such as shall be purchased by settlers at $1.25 per acre, under the fourth article hereof, shall also, in parcels, as may be necessary, be appraised after survey, subject to the approval of the Secretary of the Interior, by three disinterested appraisers, to be appointed by him, who shall each be paid for services and expenses not exceeding $10 per day, for the time actually and necessarily occupied in the duties of such appraisement; and any of said lands not claimed by settlers may be re-appraised, at the request of the company or companies interested, at the expiration of every two years: *Provided*, That no timber-land shall ever be appraised higher than $7.50 an acre; and no prairie land, lying within ten miles of the located line of either of said railroads, higher than $5 an acre; and no prairie land, lying more than ten miles from such located line, higher than $2.50 an acre.

Whenever any section or sections of not less in all than twenty-five miles of either of said railroads shall have been constructed and equipped, and notice thereof given to the Secretary of the Interior, he shall ascertain by the report of three disinterested commissioners, to be appointed by him, whether such section is completed and equipped as a good and efficient railroad; and, if satisfied of that fact, he shall accept such

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section. Each of such commissioners shall be paid not more than $10 per day, and necessary traveling expenses during the time actually occupied in traveling to and from and inspecting such section.

All expenses of such surveys, appraisements, and inspections shall be paid by the Secretary of the Interior out of the proceeds of sales of the lands to settlers, or out of the hand payment made by the said companies, and shall be appropriately charged to the respective companies, and re-imbursed by them at the next payment of interest or principal of said bonds; or, when said bonds shall have been paid, shall be re-imbursed from the proceeds of sales of said lands to settlers.

All of such lands, except such as are settled upon and shall be purchased under the fourth article hereof, shall be and remain open to settlement, pre-emption, and purchase, as follows: Any head of a family, having made such settlement on said lands as is required of pre-emptors, may purchase, at the land-office of the proper district, a quarter-section, or less, in legal subdivisions, to include his improvements, by paying one-half of the appraised value of the land claimed in cash, within one year from the date of such settlement, and the balance within one year after such first payment: *Provided*, That no such pre-emption or purchase shall include more than forty acres of timber-land: *And provided further*, That the lands of the reserve shall not be open to such settlement or pre-emption until after the date, to be fixed by the Secretary of the Interior, for the removal of the Osages to their new home. The proceeds of all sales to settlers, after deducting therefrom amounts chargeable to the said companies, shall be credited to them severally, *pro rata*, as payments on the amounts next thereafter falling due on the principal or interest of their respective bonds.

When the whole of the bond and interest and proportion of expenses due from either of said railroad companies shall have been fully and punctually paid, as herein provided, and when the whole of the line of railroad herein required to be built by such company shall have been completed, equipped, and accepted, as herein provided, the Secretary of the Interior shall cause to be selected, reserved from sale, and patented to such company its due proportion in average value of all the lands herein authorized to be sold, which at that date remain unsold to settlers; and shall also pay over to such company its proportion of any proceeds of sales to settlers remaining, or accruing, to its credit after its bond and interest and expenses have been fully paid, as aforesaid: *Provided*, That no patent shall issue to such company for any land on which part payment has been made by a settler, unless such settler shall fail to make final payment when due; and the Secretary of the Interior, for good cause shown, may extend the time for final payment by any settler: *And provided further*, That each patent issued to such company shall contain the condition that the lands therein conveyed shall be sold by said company within five years from the date thereof, and in default of such sale the lands so patented shall revert to the United States, to be sold in trust for the benefit of the Osages. And no patent shall issue to any grantee of such company.

If either or any number of said companies less than the whole shall forfeit its or their right of purchase, as hereinbefore provided, the other company, or either or all of the other companies, which shall have performed all the requirements hereof, may, with the approval of the Secretary of the Interior, within sixty days from the date of such forfeiture, (and notice thereof given by the Secretary of the Interior to all of said companies,) assume all the obligations herein imposed on the company or companies forfeiting, and be entitled to all the rights and privileges forfeited, subject to all the conditions herein prescribed. But in case such forfeiture occurs, and no other company is so admitted to the privileges forfeited, then the Secretary of the Interior shall sell the lands to which such company would have been entitled under the provisions hereof to actual settlers, at such appraisement as he shall approve, and on the terms of payment hereinbefore prescribed; and, after deducting the proportion of expenses of survey and appraisement which would have been otherwise chargeable to such company, shall invest the proceeds for the benefit of the Osages, as provided in article third of this treaty.

If either of said companies shall consolidate with, or assign its franchises to, any other company legally authorized to construct the line of railroad herein required to be built by it, such other company shall be subrogated to all the rights and obligations under this treaty of such company herein named.

Upon the assent of the State of Kansas being given to exempt from taxation all the lands until patents shall issue therefor, the Secretary of the Interior shall issue to patents for sections numbered sixteen in each township of said lands, for the use of common schools of said State, except such parts of said sections as at the date of ratification of this treaty were settled upon and are subject to entry under the fourth article of this treaty. And in lieu of such sections, or parts of sections, so settled on, the Secretary of the Interior shall cause to be selected and patented to the State, for the use aforesaid, other sections or parts of sections of equivalent value.

ARTICLE II.

The right of way is hereby granted to each of said companies through the lands herein authorized to be sold, not exceeding 100 feet in width, and the right to take

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from said land such timber, stone, water, and other material as may be necessary for the construction and operation of the road, and for the construction of its stations, culverts, and bridges: *Provided, however*, That no timber or stone shall be taken by either company or its agents from any of the lands until the principal and interest of its bonds are paid, and not included in said right of way, except on payment of the fair value of such timber or stone, and under such regulations as the Secretary of the Interior shall prescribe, for which amounts the company shall be entitled to credit on paying, as herein provided, for the lands from which such timber and stone may have been taken.

ARTICLE III.

The proceeds of the sales of the lands herein authorized to be sold shall be invested for the Osage Nation in United States registered stocks, except as hereinafter provided, and the interest thereof shall be applied semi-annually, under the direction of the Secretary of the Interior, as follows: The interest on three hundred thousand dollars shall be paid in cash for national purposes. Five thousand two hundred dollars thereof shall be paid as compensation to the chiefs and councilors of the nation. Five thousand shall be expended for the encouragement of agriculture, to be paid pro rata to each head of a family in proportion to the number of acres cultivated and improvements made thereon by individual members of the tribe; the object being to encourage real industry among them; the remaining four thousand eight hundred dollars shall be expended under the direction of the council and agent for the tribe in the payment of such other expenses as may be necessary for the benefit and support of their national government; and the interest on the balance shall be paid to the members of the nation *per capita*, or to the council for distribution, in money, goods, provisions, and other articles of necessity, as the council of the nation and the agent for the tribe may recommend, under the direction of the Commissioner of Indian Affairs.

ARTICLE IV.

All persons being heads of families and citizens of the United States, or members of any tribe at peace with the United States, who have settled on the strip north of the present Osage reservation, known as the "trust-lands," and are at the date of the ratification hereof residing thereon as *bona-fide* settlers, shall have the privilege, at any time within one year from the date of the ratification of this treaty, of purchasing from the United States one hundred and sixty acres, at one dollar and twenty-five cents per acre, to be selected in a compact body, according to legal subdivisions, and to include, as far as practicable, the improvements of each settler.

ARTICLE V.

Nothing in this treaty shall be held to impair the rights of half-breed Osages, and of the heirs of Joseph Swiss, under the provisions of article fourteen of the treaty concluded September 29, 1865; and it is hereby declared that the following persons are the heirs, and the only heirs, according to the Osages' customs and laws, of the said Joseph Swiss, viz: Phebe Bayette, Julia Ravellette, Julia Ann Delorien, and Jacob Swiss; and it is hereby provided that the improvements of said half-breeds now on the lands herein stipulated to be sold shall be appraised by the commissioners appointed to appraise these lands, and the value thereof shall be paid to the owners of said improvements by the parties purchasing them within six months after the ratification of this treaty.

They shall have an equal right, in proportion to their number, with the full-blood Indians in all the benefits to be derived from this and all former treaties with the Osage Indians, and shall select from their number one of their people, who shall represent them in the councils of the nation upon an equal footing with the other members of said council.

ARTICLE VI.

As a compensation to the Osages for the stock and farming-utensils which the United States agreed to furnish them by the second article of the treaty of January 11, 1839, and which were only in part furnished, the United States agrees to pay the said nation twenty thousand dollars; and as compensation for the saw and grist mills which the United States agreed by said treaty to maintain for them for fifteen years, and which were only maintained five years, the United States agrees to pay said nation ten thousand dollars; which sums shall be expended under the direction of the Commissioner of Indian Affairs in the following manner: twelve thousand dollars in erecting agency-buildings, a warehouse, and blacksmith's dwellings, and a blacksmith-shop, and the remaining eighteen thousand dollars in the erection of a school-house and church, and the purchase of a saw and grist mill, which mill is to be managed and controlled by the society in charge of the Catholic mission, for the benefit of said Indians.

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ARTICLE VII.

If the proceeds of the sale of the lands ceded to the United States by the first article of the treaty of January 21, 1867, shall exceed the amount of purchase-money paid therefor by the United States and expenses incident to the survey and sale thereof, then the remaining proceeds shall be invested for the Osages in United States registered stocks, and the interest thereon applied semi-annually as other annuities.

ARTICLE VIII.

The Osage Indians being sensible of the great benefits they have received from the Catholic mission, and being desirous to have said mission go with them to their new homes, it is hereby stipulated that two sections of land, to be selected by said society at or near the agency, shall be granted in fee-simple to John Shoemaker, in trust, for the use and benefit of the society sustaining said mission, and it shall have the free use of such timber and firewood as may be necessary for the use of said mission and school, on condition that said society shall establish and maintain a mission and school for the education and civilization of the Osages. But if the said society shall fail to avail itself of the provisions of this treaty within twelve months after the removal of said Indians to their new home, it shall forfeit all the rights, privileges, and immunities herein conferred upon it, including said lands, in which contingency these same rights, privileges, and benefits so forfeited shall inure to any other Christian society willing to assume the duties and responsibilities and comply with the conditions herein enjoined on said mission: *Provided, however*, That in the event no Christian society should avail themselves of the benefits herein provided within two years from the removal of said Indians to their new homes, then all funds herein set apart for said school and missionary purposes shall be applied, under the direction of the Commissioner of Indian Affairs, to such purposes as in his judgment will best promote the moral, intellectual, and industrial interests of the Osage Nation: *Provided*, That the annual expenditure for school purposes may be increased at the discretion of the Commissioner of Indian Affairs to an amount not to exceed five thousand dollars, as in his judgment the educational necessities of the Osages may require, to be deducted from the annuities.

ARTICLE IX.

The Great and Little Osage Nation of Indians being anxious to relieve themselves from the burden of their present liabilities, and it being essential to their best interests that they should be allowed to commence their new mode of life free from the embarrassment of debt, it is hereby stipulated and agreed that all just and valid debts which may be due and unpaid at the date of the signing of this treaty, either to whites or Indians, by said Osages, shall be liquidated and paid out of the funds arising from the sale of the lands herein stipulated to be sold, so far as the same shall be found just and valid on an examination thereof, to be made by the agent of the tribe and the superintendent of Indian affairs for the Central Superintendency, whose duty it shall be to examine all claims presented to them within one year from the promulgation of this treaty, and to take in writing the evidence in favor of and against said claims; and after having made such examination they shall submit said claims to the national council of the Osage Nation for their approval or rejection, and report their proceedings thereon, with the evidence and decision of the council, and their opinions in each individual case, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be final: *Provided*, That the amount so allowed and paid shall not exceed forty thousand dollars: *And provided further*, That if the amount of just claims shall exceed the sum of forty thousand dollars, the said amount of forty thousand dollars shall be divided *pro rata* among the different claimants whose claims shall have been established and allowed.

ARTICLE X.

The United States agrees that the agent for said Indians in the future shall make his home at the agency buildings; that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE XI.

If any individual belonging to said tribe of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the

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privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when selected, certified, and recorded in the land-book, as herein directed, shall cease to be held in common; but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may in like manner select, and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same, as above directed. For each tract of land so selected, a certificate, containing a description thereof, and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book, to be kept in his office, subject to inspection, which said book shall be known as the "Osage Land-Book." The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the title held by each. The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservation and the internal police thereof, as may be thought proper.

Article XII.

The United States hereby agrees to sell to the Great and Little Osage tribes of Indians, for their future home, at a price not to exceed twenty-five cents per acre, the following-described district of country, viz: Commencing at a point where the ninety-sixth (96) meridian west from Greenwich crosses the south line of the State of Kansas; thence south on said meridian to the north line of the Creek country; thence west on said north line to a point where said line crosses the Arkansas River; thence up said Arkansas River, in the middle of the main channel thereof, to a point where the south line of the State of Kansas crosses said Arkansas River; thence east on the said State-line to place of beginning. It is hereby agreed that the United States shall, at its own expense, cause the boundary-lines of said country to be surveyed and marked by permanent and conspicuous monuments. Said survey to be made under the direction of the Secretary of the Interior, the returns of which survey shall be made to the Commissioner of the General Land-Office as in other cases of public survey. And it hereby stipulated and agreed that, when the United States has secured a title to the above-described lands, the Osages shall be required to remove and reside thereon; but nothing in this treaty shall be so construed as to compel the said Indians to remove from their present reservation until the Government has secured said title, and notice thereof given by the Commissioner of Indian Affairs to the agent of said Indians.

Article XIII.

The Osage tribe of Indians hereby assent to any alterations or amendments which the Senate of the United States may make to this treaty: *Provided*, That such alterations or amendments do not affect the rights and interests of said Osage Indians, as defined and secured in this and former treaties.

Article XIV.

The Osages acknowledge their dependence on the Government of the United States, and invoke its protection and care. They desire peace, and promise to abstain from war, and commit no depredations on either white citizens or Indians; and they further agree to use their best efforts to suppress the introduction and use of ardent spirits in their country.

Article XV.

The United States hereby agree to pay to the Great and Little Osage tribes of Indians a just and fair compensation for stock stolen from them by whites since the ratification of the treaty of September 29, 1865, and it is made the duty of the agent of the said tribe to investigate all claims of this character, and report the same, with the proof in each case, to the Commissioner of Indian Affairs, within three months from the ratification of this treaty: *Provided*, That before the United States shall have become bound to pay said claim, it shall be submitted to Congress and approved by it, both as to the justice of the claim and its amounts.

Article XVI.

It is hereby agreed that the Commissioner of Indian Affairs shall make an examination of the accounts of the Osage tribe of Indians, and if he finds that the sum of three

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thousand dollars due Clairmont, a chief of said tribe, under the ninth article of the treaty of 1839, has never been paid to said chief, he shall cause the said sum to be paid to the said Clairmont for the sole use and benefit of the band of which he is chief.

In testimony whereof, the undersigned, the said Nathaniel G. Taylor, Thomas Murphy, George C. Snow, and Albert G. Boone, commissioners as aforesaid, on behalf of the United States, and the undersigned chiefs and head-men of the Great and Little Osage tribes of Indians, have hereunto set their hands and seals, at the place, day, and year first above written.

No. 3.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
August 20, 1869.

SIR: I send you herewith inclosed, a copy of a communication from Hon. Sidney Clarke, dated the 10th instant, giving an account of an interview had by him with the chiefs and councilors of the Osage Indians, relative to their last treaty with the United States and in regard to their removal from their present reservation. Inclosed with this letter is an account of the interview, cut from the Daily Tribune, published at Lawrence, Kans., dated the 5th instant, a copy of which paper you can doubtless obtain.

I also inclose herewith a copy of the treaty above referred to, being the treaty concluded May 27, 1868, and now pending before the Senate.

You will take immediate steps to ascertain the wishes of the Indians in regard to said treaty, and their views on the question of removal.

You will endeavor to have your report express the uninfluenced wishes of the Indians on these subjects.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

ENOCH HOAG,
Superintendent Indian Affairs, Lawrence, Kans.

[From the Republican Journal, Lawrence, October 5, 1869.]

THE OSAGES IN COUNCIL.

Our enterprising correspondent, "L. F. G.," happens to find out what is going on of interest and knows how to report it. Learning, in his perambulations through the country, that the superintendent was about to make a payment to the Osages, he turned up in that vicinity, and we are happy to be able to lay before our readers a full and authentic report of the remarks of Superintendent Hoag, as well as the speeches of the Indians.

In addition to making the payment, it seems that the superintendent was instructed to ascertain the desire of the Osages with reference to the ratification of the Osage treaty. He says: "Your father at Washington writes to me that he has heard that you are not satisfied with it, and requests me to ask you if that is so; and if you are not satisfied with it, he wants you to tell him why you are dissatisfied. I do not want you to think that I am in favor of the treaty, or that I am opposed to it. I want to know just how you feel about it, and in telling me, I want you to be honest with me and I will be honest with you. Tell me in your own words, that I may tell them to your Great Father."

This looks as if we may get some information. Mr. Clarke had been down among the Osages, and reported on his return to Washington that they were bribed and scared into the signing of the treaty, and that they did not want it ratified. The authorities at Washington desired to know if this was true. Now for the answer of the Indians. Beaver said their minds were scattered. We do not wonder. There has been dust enough raised about the Osage treaty to scatter the minds of most any people. Twelve O'Clock was much surprised to learn that one of his councilors was opposed to the treaty. Wat-in-ca said that he did not refuse his country to the commissioners, but something happened which disturbed their minds very much. That was the murder of two white men in Butler County by the Osages. He states the fact about it. The Indians were alarmed, but this fact was not used in the least degree to influence them toward the signing of the treaty. But he says another thing, to which we call the special attention of the friends of Clarke. He had been told that the commissioners to make the treaty had not been sent by the Great Father. They were sent by a railroad company. Their treaty was a fraud. No wonder that their minds were "scat-

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tered," when a Representative in Congress comes among them to tell them such lies as that. No wonder that Dry Feather wanted the superintendent to ask the Great Father, when he got to Washington, "What this white man is who comes here and says we have made no treaty."

August Captain, the interpreter, tells the truth, and states the thing as it is. He says they all signed the treaty willingly. He represents Hard Rope in his true light, as the leader of the murderous band who killed the white men, and who, being badly scared himself, supposed his people were. Jo., the governor, and the leading man of the nation, admitting that many of his young men are dissatisfied, is willing to leave the whole thing with the authorities at Washington.

A few things are plain. We publish the speeches of the Indians just as they were made. They show that their minds are somewhat "scattered" by the deafening noise that has been raised about this treaty. But they certainly show that it was fairly made, and ought to be ratified. The Indians want more money, and in this particular they are not unlike their brethren of the pale-faced persuasion. But the opinion of most sensible men is that the price offered for the land, without any reference to railroads, is enough. The objectionable features in the first draught of the treaty have been relieved. The school interest is satisfied. And we submit that the best interests of the State will be subserved by the early removal of the Indians, and the impetus that will be thus given to important railroad enterprises.

Clarke, of course, will continue his mischievous and venal opposition. He has now stepped in so far that to go back would be as tedious as to go o'er. But he has a tolerably tedious road before him, whichever way he undertakes to travel. His power for mischief is nearly gone. His neutral-land performance has exhausted him. But if he would take a little advice from a source which, he must now be persuaded, it would have been wise for him to listen to some time ago, it would be that he get off the track while the bell rings. Our roads are bound to be built, and the people are willing and anxious that they should receive such aid as is not inconsistent with the welfare of any class of our citizens. The treaty as it now stands is freer from objections than many which Clarke has aided and abetted, and further opposition on his part will not only reveal his inconsistency but his folly.

REMARKS OF THE OSAGES.

THE INDIAN PAYMENT—THE OSAGE TREATY.

MONTGOMERY KANS., *September 27.*

[From our traveling correspondent.]

In company with Colonel Coffey, of Coffeyville, on the morning of the 27th, I started up the Verdigris River to this place, to witness what I had never seen before—an Indian payment.

Arriving at this place we found Superintendent Hoag, Isaac T. Gibson, the new agent, and Jonathan Richards, clerk to the superintendent, Major G. C. Snow, former agent of the Osages, and the usual amount of white men, who, through curiosity or cupidity, generally congregate at such times and places.

The tribe enrolled 4,381 souls, and about one thousand of the chiefs, head-men, braves, and their attendants were on the ground seated in their accustomed order in semicircle, dressed in their usual fantastic costume, though somewhat faded out for the want of stamps to buy red paint, blankets and "sich," owing to the delay in their payments.

On the assembling of the council Major Snow made his farewell address to the Osage Indians. He referred to his long official connection with this agency, to the difficulties and embarrassments which had surrounded him in the discharge of his duties, and trusted that the dissensions and party strife were now in a measure done away with, and told them to let the advice given them by the superintendent and agent sink deep into their hearts, for they were their true friends. He counseled unity of action in the future, a just regard for the rights of each other and the whites, and pointed out the only way for them to become great and prosperous: by accepting the civilization of the whites; by cultivating the soil, raising cattle, and educating their children, thus becoming independent in their new home provided for them by the treaty. At the close of the major's remarks he shook hands with them and bade them farewell as agent.

Superintendent HOAG then addressed the Osages, and said substantially as follows:

My brothers! I am happy to meet you. I have long desired this opportunity to talk with you, but my duty to other tribes has prevented my being with you till this day. I call you brothers because we have all one common Father. The Great Creator of all made the white man, the red man, and the black man equal. He gave

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to the white man no more natural rights than He gave to the red man; and I claim from you no rights and privileges but such as I extend to you, and you should claim from me no more than you extend to me. I have long wanted to have a plain talk with you, and am glad to see so many here to-day. The history of your people is but a recital of suffering and wrong. You have been made to recede west, at the approach of your white brother, until you crossed the great river, (Mississippi.) Since that time the emigration of your pale brother from the Old World and from the States has poured in upon your hunting-lands and passed over them to the mines of California, until you are surrounded by thickly-settled States, east, west, and north; and, for the comfort and convenience of those States east of you and west of you, they have built railroads, emigrant-roads, and military roads across your broad hunting-grounds, driving the buffalo therefrom, no more to return. This has brought trouble and sometimes war upon you. Your Great Father and the good people of the States have seen this to their deep sorrow. They have wished you could live in peace, but have failed to help you. They have told you that your young men would see the day when the buffalo will have passed away from the earth, and if we judge the future by the past the alternative is plainly marked out before you. Either adopt the industrial habits of your pale brothers, or waste away from this earth by causes which you cannot resist. The Government has wisely purchased a great country south of you, rich in soil, timber, rivers, and creeks, and made arrangements with most of the tribes, securing to them future homes where they may settle near each other and become one strong Indian nation to themselves. Your Great Father wants you to go there, and each of you to have his farm, raise his own ponies, cattle, sheep, hogs, and have his fields of wheat, and corn, and gardens, and fruit, and his comfortable houses and barns, and his schools for the education and civilization of his children, make your own laws and administer and execute them, and be in all respects as prosperous and have all the enjoyments your white brothers have. This is what we desire for you; and if you will co-operate with us, give us your labor and influence, it is all within your reach. I want you all to remember that it is industrial labor that makes the white man rich and prosperous, and it is the education of his youth that makes him strong as a nation. The same blessings are at your command, and a better day is in store for you in the future, if you will labor with us for it.

I again urge you to educate your children. If one of you steal from your pale brother a pony, or one of his children, it is sent on the telegraph or written on paper and sent all over the States, and all the people hear of it, and feel very angry with the Indians. But if one of the bad white men steal one of your ponies or one of your children, there is no one to write it on paper and to send it among all the Indians that they may know the wrong done to them. And why not? Because the poor Indian cannot read. He has not sent his children to school. Your country is very large, reaching three hundred miles toward the setting sun and thirty miles north; large enough to give each one of your nation 1,300 acres. And instead of this making you rich it makes you very poor. You are now oppressed by whites covering your broad fields. We regret that this is so, but we cannot help it. You signed a treaty with the Government last year, in which I think you were to receive as annuity $95,000 a year for sixteen years, part for schools and part for industrial and national purposes. Your Father at Washington writes to me that he has heard you are not satisfied with it, and requests me to ask you if that is so? And if you are not satisfied with it, he wants you to tell him why you are dissatisfied. I do not want you to think that I am in favor of the treaty, or that I am opposed to it. I want to know just how you feel about it; and in telling me I want you to be honest with me, and I will be honest with you. Tell me your own words, that I may tell them to your Great Father.

After further remarks full of kind counsel and advice, the superintendent closed his speech to the chiefs, and then came the reply from the councilors and chiefs.

BEAVER said: I am glad to see you have given us good advice. We want time to consult about what you have said about the treaty. Our minds are scattered, and we will have to consult with one another.

The SUPERINTENDENT said: Interested white men will seek to influence you to do wrong. You must not be divided in your councils, nor listen to their advice.

TWELVE O'CLOCK said: I have just learned that one of my councilors is against the treaty. I am surprised at it.

WAT-IN-CA said: Some more than one year ago some commissioner had talk with us. The Great Father wished to purchase the Osage lands. I am the man that talked. I did not refuse my country to them. While we were in council something happened which disturbed our minds very much. After we had signed the treaty I had another talk. I heard that these commissioners were not sent from the Great Father. I learned that it was a railroad company that had sent them. We consider we have only one President. If the Great Father wishes to purchase we will sell. You told us that a country had been selected for us. The country is too small. We want to know how many thousand dollars you have for us.

HARD-ROPE said: We understand you come to inquire into the treaty. The Osages

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treated away this country one year ago. They said they come to tell the truth. The commissioners told us the Great Father wanted our country. The commissioners told us that all lost money would be restored, and all depredations forgotten. Thinking of our women and children, we let the land go. Since we signed the treaty we have been told by a white man that the commissioners were not sent by the Great Father, but by a railroad company. I wish to know what kind of a country we are to have. I do not think the Great Father is able to buy our lands.

KAN-SE-CA-LE said: I want to know if the money you have for us is hard money. I want hard money; I want you to try and get hard money in payment for our land.

AUGUST CAPTAIN, councilor for the half-breeds, said: I am an Osage. I was called upon by the commissioners to assist in interpreting the treaty. It was correct and just; during the council, before signing the treaty, no threats were made, but we all signed the treaty willingly. As one of the interpreters, I deny that any threats was made to induce us to sign the treaty. The nearest a threat was made by Colonel Murphy, one of the commissioners, who said: "Then I suppose you consider yourselves an independent nation, and strong enough to defend yourselves." I translated all that was said. Hard-Rope, who talks about threats being made, is the man who led the party who murdered the white man. All the bad talk they speak about happened after the signing of the treaty. Colonel Taylor, the commissioner, told them he felt for them as his own children; that he had a duty to perform which touched his feelings.

SUNDOWN said: You have come to find out the facts. The chiefs and councilors treated this land away to make their people poor. I do not believe the President will ratify the treaty; he is a sensible man.

AUGUST CAPTAIN further said: The commissioner told them he would lay before them the good and bad, and that his advice was to give up the murderers and not leave it to the mercy of the people of the State. When it came to signing, all the chiefs signed willingly. I am stating the facts about the treaty, and all that hear me know it. I do not intend to be made out a liar by you when I signed the truth on that treaty.

Superintendent HOAG said: If I understand you, you have been told by some bad white men that the commissioners sent here were not sent by the President, your Great Father, but were sent by a railroad company. I have a paper sent to me by your Great Father at Washington, which says that Commissioner Taylor, Colonel Murphy, and Major Snow were sent by the President to make a treaty with you. What will he think of you when I tell him that it is said the railroad company sent commissioners, when he sent them himself? It is charged that they bribed, scared, and threatened you. Men ought to be careful in their statements. I know Commissioner Taylor; he is a good man; your true friend. So is Colonel Murphy. I don't want you to think I desire to influence you for or against the treaty, but only tell you that you may know the facts about the treaty. If you thought they were not sent by the Government, you had reason to distrust them; but they were. You wanted to know how large the country is you are going to. I am told it is about three hundred acres for every man, woman, and child of the Osages—not large enough for you to hunt buffalo on, but too large for you to farm. I do believe it best for you to have less land and cultivate more; have houses and stock, and raise more to support you. Now, a word about hard money. You made a treaty and sold off part of your land east of you, and was to get your pay in such articles as the Secretary of the Interior should say—money, clothing, and provisions. Your father, the President, did not promise you hard money. He sends you by me just such money as he uses and as I use myself. He has formerly sent you clothing and food, and this time you preferred money. I have brought for you just such as he has sent you, and I shall pay it all to you.

PAW-NE-NO-PASHE said: Some time ago a commission came from Washington to make a treaty with the Osages. I gathered the Osages in council—my young men said I should be the man to say about the treaty. We tried to see what was best for us. I talked with Commissioner Taylor about it, and I signed it seeing all the rest of the chiefs sign. My councilors told me the new reservation was to include the Cana River. If my young men and councilors want the treaty, all right. The Great Father has sent you as our agent. Glad to see you. Our agents come and go away again and we don't see them. I hope you will see to our welfare and take care of us. We want an agency in our midst. Since one year we have lost more than 1,000 horses; we hear of them no more.

CHIEF OF LITTLE OSAGES said: To-day is a nice day, and you have the pleasure of seeing the chiefs of the Osage Nation. About one year ago men came to us to make a treaty. It seems like the Great Father don't study for the good of his red children. There is no place where the Osages can go. If you have any good thing and some one comes and takes it away, you don't like it. The Great Father ought to pay a good price for this fine country. It is true, we have treated away our land; we thought it was the best thing we could do.

CHETOPA said: You have heard what Major Snow had to say; he told us he wanted us to do right; that we had put him to much trouble, and that he hoped we would not

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give the new agent trouble. My people all want to talk to the agents when they come. Now we have been divided; it is my wish that we all unite.

MON-SE-AN-CHA (No Heart) said: After Commissioner Taylor came and we heard him, we went three days and counseled; the fourth day we came up and agreed to the treaty. I was not asleep, but wide awake. I signed the treaty, intending to go with my people to our new home outside of Kansas. When I say this, it is the truth I tell you.

ISAAC GIBSON, the new agent, said: I am a stranger among you. I don't know that your roll is right. I want to be honest. I am not willing one of you shall be cheated. It is my opinion deception has been used in making out the roll. I cannot permit this. I hope you will be honest with me; I believe you should have another enrollment, and let us all be honest in making the new enrollment. Agent Gibson continued: You are going on a buffalo-hunt. I want to give you good advice. When you meet Arapahoes, Cheyennes, and those hostile to you, be friendly. Their agents are friends of mine, and will advise them to treat you friendly. It is wrong to fight one another; treat one another as brothers; this will please your Great Father at Washington. I want you to catch many buffalo and get furs, for you will need them. I will now live among you. I want to tell your young men that labor is honorable. I left the plow in the field to come and stay with you. It is labor and education of body and mind that brings man near his Maker.

Superintendent HOAG said: The Great Father has made it a rule that all Indians outside of their reservations will be regarded by the military as hostile; and when you go out to hunt you must get a writing from the superintendent, and when you see soldiers on the plains, send a man to them with the writing, and that will inform them you are loyal and peaceable.

TWELVE O'CLOCK said: You have given us good talk. I was out on the plains; the wild Indians came to my camp; I fed them; they killed two of my people; I did not fight them; I came back crying; I am poor; don't know as I shall go hunting any more.

DRY FEATHER said to Agent Gibson: I give up to you to say at what point you will live. I will tell you what I will do. Three bands of us have been living on the Verdigris. We have signed a treaty. The whites have crowded us out. I will take my people and go into the Indian country. These white people have corrupted our chiefs. They are now trying to get our chiefs divided. When you get to Washington, ask our Great Father what this white man is who came here and said to us that we had made no treaty; that the Osages would stay here; that it was our land; that our Great Father did not send the commissioners, but a railroad company sent them. This white man came here and said great things; said he had scattered the treaty. God knows I don't believe what that white man says. I want you to tell us what this man is.

BIG HILL said: You said you had money for us. I ask you if it is money. We have made treaties and we did not get money that looked like money. I want the money to look white and hard in my hand.

GOVERNOR JOE said: Some of my young men are dissatisfied with the treaty. I leave it with the Great Father. He can do as he likes. Our agent talks of living among us. It is not certain we stay here. While you stay you can make this place your office.

STRIKE-AX said: Father, you asked us yesterday about the treaty, after which you would let the Great Father know. We used to do business peaceably on the Neosho with the Government. We spoke pleasantly in the day-light, true and right. My people, yesterday, when asked about the treaty, ought to have said to you plainly that they had treated their lands away. They now want the Great Father to give them a little more. You said you would help us. When you go to Washington, tell our Great Father there is one old Osage chief who wants his money for his land. I am getting old, my son. I may soon die. I hope you will take care of me, as you promised. My son takes my place; I give back to him.

BROKE-ARM said: I have heard our chiefs say they had treated the land away. I am at a loss to know. We have commissions to show that we have treated with the Government.

NAMP-A-WALLA said: Since yesterday we have talked of lands treated away. I suppose the Great Father wants the lands.

WHITE-HAIR said: We don't make much talk. We speak to you in unity. We did treat our lands away, after which the young men said the price was too small. If the Great Father wants our lands we will go to our new home.

Superintendent HOAG then said: I have now heard your talk. I will tell your Great Father at Washington what you have said. I will speak well of you. He will be glad to hear from you. I shall try and make your condition better. There is a better day in the future. But we can do but little for you unless you take hold and work with us. Let me say to you again what I told you yesterday: educate your children, raise produce, raise cattle, and have farms and houses like white men for the suste-

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nance and comfort of your families. Some of you have spoken of going to a reservation in the Indian country. The treaty is not ratified yet. There is no certainty that you will be protected there. It is a good place for you, and your Great Father, the President, wants you to go there, but not until the treaty is ratified, or, if it should fail, some other arrangement made for you, and then you will be protected there, and we will help you improve and make good homes there. Now, the President sent you $7,500 three moons ago. You were out on the hunt. I could not see you, and I asked him to send your fall payment, and pay you both at once. He now sends you $7,500 more, and I have it here to pay you.

The roll was called and the money paid, amounting to about $2.25 per capita. The Indians were very quiet and peaceable, more so than usual on pay-day. The superintendent and his clerk go North. The new agent remains with the Indians. They seem pleased that the agent is to reside among them.

From the many abortive attempts to control, civilize, and Christianize the tribes of our State, I had almost concluded all efforts in this direction of no avail. Yet there is a nameless power and influence over the Indians in the candor, honesty, and kindness of Superintendent Hoag and Agent Gibson in transacting their business with them, and I cannot but believe that they will succeed in instructing this turbulent tribe into many of the arts of civilized life. The "law of kindness" will find a response in the hearts of men, civilized and savage, from the rising to the setting sun. They seek now to have this tribe and all others conform to the universal law of man's existence and "labor." This is, without doubt, the true solution of this vexed question; and with the tribes congregated in the Indian country below, an ocean of civilization around them, a stern necessity compelling them to effort, the comforts and luxuries of industry inviting them to labor, and a genial climate, we may expect to see the experiment of Christianizing the Indian yet succeed.

L. F. G.

No. 4.

OFFICE OF SUPERINTENDENT OF INDIAN AFFAIRS,
Lawrence, Kans., Tenthmonth 11, 1869.

Hon. E. S. PARKER, *Commissioner:*

Referring to office letter of August 20 last, instructing me to take immediate steps to ascertain the wishes of the Indians (Osages) in regard to said treaty, and their views on the question of removal, and endeavor to have my report express the uninfluenced wishes of the Indians on these subjects, I respectfully submit the following report:

This tribe being situated at so great a distance, I deferred entering upon this duty until I should proceed to make their fall payment. On the 23d ultimo I entered upon this service, taking with me Jonathan Richards as special clerk, Isaac T. Gibson, then on his way to assume the duties of the agency, and Agent Snow. On the evening of the 26th we arrived at the council grounds of said tribe and found nearly the whole nation assembled, having been previously notified of our coming. Their roll was correctly revised, showing an increase, amounting in the aggregate to 4,481 souls. A council was called at 10 a. m.; they all convened to hear what might be said to them. After advising and counseling with them in relation to their past mode of life, and the poverty and wretchedness resulting therefrom, and laying before them the great labor the Government is engaged in to advance them in a better and higher life, holding up to them the importance of education and manual and industrial labor, through which they might possess themselves of all the comforts and enjoyments of their white brethren, I informed them that they signed a treaty last year, whereby they sold their country for $1,600,000, and were to receive $95,000 annually, a part for education, a part for national and industrial purposes, and $75,000 for annuity. I said to them that their Great Father had written me that he had heard they were dissatisfied with the treaty, and had directed me to ask them if that was so; and if it was so, he desired me to know the reason why they were dissatisfied, and that I wanted them to tell me their own words and I would tell the same to their Great Father; that I did not want them to understand that I was either in favor of the treaty or opposed to it; that I wanted them to be honest with me, and tell me their own feelings. Their principal chief replied that their minds were scattered; that they would have to counsel together, and would reply to me at 2 o'clock.

At the time appointed, they again assembled, and told me they had selected two of their councilors to inform me in relation to my inquiries. The greater part of the afternoon was occupied in the full expression of their views of the treaty, and from my information, based upon such free and full expression, given by the two councilors, as well as by others, it is my judgment that the larger portion of the tribe would prefer the treaty should not be ratified. This opposition, however, arises more from a

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feeling that, by the terms of the treaty, they do not receive so much for their land as they think they ought to, than from any improper influences brought to bear upon them by the commissioners. They state that they were told by the commission that their lands would be overrun by settlers, and that they would eventually be obliged to give it up to them—that they could not live with the white man. They regard such conclusion by our Government as "bad words." Another point that had given them uneasiness was the impression they had imbibed from the same source, that the commissioners, whom they had supposed were authorized by the Government, had been sent by a railroad company. After being set right on that point, their principal opposition was from the price received for their lands. They state, however, that whether their pending treaty be ratified or not, they are anxious to sell their lands and remove to the Indian country.

For a more full report of their remarks upon the occasion, I inclose herewith an article by a correspondent of the Kansas State Journal, which is, in the main, correct.

All of which is respectfully submitted.

Respectfully,

ENOCH HOAG,
Superintendent Indian Affairs.

No. 5.

Contract between C. N. Vann and Wm. P. Adair and the authorities of the Osage Nation, February 8, 1873. *Confirmed by the national council of the Osage Nation June* 26, 1873, *in open council.*

This article of agreement, made and entered into this 8th day of February, 1873, between C. N. Vann and Wm. P. Adair, of the Cherokee Nation of Indians, party of the first part, and Joe Pawne-no-pah-she, Chea-su-hun-kah, Black Dog, Wah-ti-in-kah, and Major Broke Arm, chiefs and representatives of the Osage Nation or tribe of Indians, party of the second part, witnesseth:

That whereas the said party of the first part did, on the 10th of November, 1869, enter into a contract with the authorities of the said Osage Nation, and receive a power of attorney from the same, which were duly acknowledged and authenticated, to represent the interests of the said Osage Nation and people before the Government of the United States at Washington, and, in that connection, to make effort to have set aside and annulled a certain treaty, then pending, made at Drum Creek, in the Osage Nation, in the State of Kansas, between the Commissioner of Indian Affairs and the said Osage Nation, on the 27th day of May, 1868, under extraordinary circumstances, and in which said contract it was stipulated that the said C. N. Vann and Wm. P. Adair, party of the first part, should have, as a compensation for their services aforesaid, a fee equivalent to one-half of any sum that through their efforts and representations might be allowed for the lands of the said Osage people in the State of Kansas, beyond the amount stipulated for in said treaty for said lands. And whereas the said party of the first part have performed well their duties in the premises, and done all they contracted to do, which is hereby acknowledged, and have succeeded in their efforts to have the said Osage treaty withdrawn from the United States Senate, and in defeating the bill (H. R. 988) introduced into the Forty-first Congress January 28, 1870, whereby the Osages would have received about twelve and a half cents per acre for their said lands; and also, through their efforts and those of their friends, they had adopted on the 15th of July, 1870, as an amendment to the Indian appropriation bill, a measure whereby the Osages will realize near one dollar and twenty-five cents per acre for said lands, amounting in the aggregate to several millions of dollars more than what they had agreed to take in the said treaty; and whereas, in view of said large additional amount obtained for said lands, and of the sympathy and brotherly feeling entertained, the said party of the first part are willing to a reduction of their fee aforesaid:

Therefore, it is agreed by and between the parties aforesaid and undersigned as follows, viz: That the said C. N. Vann and Wm. P. Adair, party of the first part, shall receive as their fee for their services aforesaid, in place of the fees hereinbefore mentioned under the said contract of November 10, 1869, the sum of three hundred and thirty thousand dollars, to be paid to them out of the proceeds of the said Osage lands in Kansas, sold under the provisions of the said act of July 15, 1870, and which may be placed to the credit of the said Osage Nation or people in the proper Department at Washington, D. C.; and for the payment of the said sum it is expressly agreed and understood between the said parties, and especially by the said party of the second part, that the Secretary of the Interior Department at Washington shall receive said

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sum of three hundred and thirty thousand dollars, and pay the same over to the said party of the first part, the said C. N. Vann and Wm. P. Adair, and their receipt for said amount shall be filed in the proper Department of the Government as a voucher for so much money received by the said Osage Nation.

In testimony whereof, witness our hands and seals this the day and date above written.

C. N. VANN. [L. S.]
WM. P. ADAIR. [L. S.]
JOE PAWNE-NO-PAH-SHE, his x mark, [L. S.]
Principal Chief of the Osage Nation.
CHEE-SU-HUN-KAH, his x mark. [L. S.]
Principal Chief of Clarmont's Band of Osages.
BLACK DOG, his x mark, [L. S.]
Principal Chief of Black Dog Band.
WAH-TI-IN-KAH, his x mark, [L. S.]
Chief Councilor of the Osage Nation.
MAJOR BROKE ARM, his x mark, [L. S.]
Chief Councilor Black Dog Band.

Done in the presence of—
THOMAS MOSIER, *Interpreter.*
MOSHER CLARKE, his x mark.
WILLIAM PENN, his x mark.
WAH-SH-CON-ON-NE, his x mark.
HYU-LAR-SHE, his x mark.
HAR-CHAR-CHE, his x mark.
JOHN CHAMBERS.
MOSES GLORY, his x mark.
WILLIAM MCCRACKEN.

COO-WE-SCOO-WE DISTRICT,
Cherokee Nation:

The above-written contract was read, explained, interpreted, agreed upon, signed, and acknowledged before me this 8th day of February, 1873.

CHARLES ROGERS,
District Judge, Coo-we-scoo-we District.

This is to certify that Charles Rogers, whose genuine signature to the above acknowledgment, was, at the time of such signing, acting and duly commissioned judge of the district court in and for Coo-we-scoo-we district, Cherokee Nation; and that the said district court is a court of record not yet provided with a seal.

In testimony whereof I have hereunto set my hand and the seal of the Cherokee Nation, at Tahlequah, this 18th day of February, A. D. 1873.

JAMES VANN,
Assistant and Acting Principal Chief of the Cherokee Nation.

ALLEN ROSS,
Private Secretary.

{ SEAL OF THE CHEROKEE NATION. }

Resolved by the Osage council, in general council of the chiefs and councilors of the Osage Nation, convened in open council, That the foregoing contract and agreement entered into on the 8th day of February, 1873, between C. N. Vann and W. P. Adair, of the Cherokee Nation, and Chee-su-hun-kah, Black Dog, Wah-tau-in-kah, Major Broke Arm, and others representing the Osages, be, and the same is hereby, ratified and confirmed, with the understanding that the fees therein of the said Vann and Adair are reduced one hundred thousand dollars, so that the said fees will be two hundred and thirty thousand dollars instead of three hundred and thirty thousand dollars, the said Vann and Adair consenting to such reduction.

Osage Council Ground, Osage Nation, June 26, 1873.

Old Clarmont, chief of Clarmont's band, his x mark.
Tah-woh-she-hee, chief of Big Hill band, his x mark.
White Hair, chief of White Hair's band, his x mark.
Black Dog, chief of Black Dog's band, his x mark.
Chee-see-hun-kah, chief of Big Chief's band, his x mark.
Beaver, chief of Beaver's band, his x mark.
Little Chief, chief of Little Osage band, his x mark.
Sun-kee-more, second chief Big Hill band, his x mark.

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Mosho-nunkee, second chief Big Chief's band, his x mark.
William Penn, second chief Black Dog's band, his x mark.
Nun-cher-wah-hu, third chief Big Hill band, his x mark.
Broke Arm, third chief Black Dog's band, his x mark.
Saucy Chief, second chief White Hair's band, his x mark.
Wah-chee-wah-hee, third chief Big Chief's band, his x mark.
Tally, second chief Clarmont's band, his x mark.
Wolf, fourth chief Black Dog's band, his x mark.
Gart-hom-ie, third chief White Hair's band, his x mark.
Ner-chee-wah-kee, fourth chief Big Hill band, his x mark.
Wah-ti-in kuh, chief councilor, his x mark.
Hard Rope, chief councilor, his x mark.
Big Elk, councilor, his x mark.
Wash-cum-way, councilor, his x mark.
Cum-su-ah-lu, chief councilor Big Hill band, his x mark.
Frank Meshell, councilor Half-Breed band, his x mark.
W. P. Mathes, councilor Black Dog band, his x mark.
Anthony Del Orier, councilor Half-Breed band, his x mark.
Augustus Captain, councilor Half-Breed band, and secretary and interpreter to the council.
Wah-hun-ku-she, brave, his x mark.
O-cun-chee-was-kah, brave, his x mark.
Ku-lar-hun-kah, brave, his x mark.
Wah-lah-ho-a, brave, his x mark.
Pon-kah-wah-tah-in-kah, brave, his x mark.
Hu-la-wah-she-she, brave, his x mark.
Mushogoshee, brave, his x mark.
Clu-wah-ti-in-ka, brave, his x mark.
Numpah-wah-lu, brave, his x mark.
Tah-ha-ger-hee, brave, his x mark.
Drum, brave, his x mark.
Neer-hur-che-in-ka, brave, his x mark.
Ish-tah-kin-chelly, brave, his x mark.
Kee-wah-re-shee, brave, his x mark.
Neh-kah-go-rah, brave, his x mark.
Wah-sho-wuggery, brave, his x mark.
Pah-wun-gah-hee, brave, his x mark.
To-cah-sub-heh, brave, his x mark.
She-gah-kah-hubba, brave, his x mark.
Hah-heh, brave, his x mark.
Tah-wah-hee, brave, his x mark.
Wah-cho-o-nun-chee, brave, his x mark.
Co-she-sig-er-ga, brave, his x mark.
Hur-nup-pos-seh, brave. his x mark.
War-nump-pos-shee, brave, his x mark.
Helukera, brave, his x mark.
Nump-pah-wah-lee, brave, his x mark.
He-rockey, brave, his x mark.
Okee-pah-hu-lah, brave, his x mark.
Mee-cah-wah-tah-in-kah, brave, his x mark.
Cha-pock-er-hee, brave, his x mark.
Sho-cha-ner-pee, brave, his x mark.
Wah-shin-kee-luppy, brave, his x mark.
Keh-seh-wah-ti-in-inka, brave, his x mark.
Glanum-nu-hee, brave, his x mark.
Har-mo-tar-kee, brave, his x mark.
Wah-nuh-kah-she, brave, his x mark.
King-of-the-Horse, chief town crier, his x mark.

Approved.

JOSEPH PAWNENOPAHSHE,
Governor of the Osage Nation.

Witnessed by—

Son-ka-hee, brave, his x mark.
Cho-to-hah, brave, his x mark.
Moh-no-po-she, brave, his x mark.
Kuah-chee, brave, his x mark.
Mush-shah-co-she, brave, his x mark.
Hah-hah-mah, brave, his x mark.
Tah-hu-lah-shin-kah, brave, his x mark.

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Kuyah-hu, brave,	his x mark.
Muh-she-tuh-mu-nee, brave,	
Wah-neh-sha, brave,	his x mark.
Neh-she-wash-su-kah, brave,	his x mark.
Wah-ke-tu-kah, brave,	his x mark.
Tah-woh-tee-hee, brave,	his x mark.
Stanum-po-she, brave,	his x mark.
Chu-sah-wah-ti-in-ka, brave,	his x mark.
Ne-kah-roggery, brave,	his x mark.
Kah-hos-see, brave,	his x mark.
Ah-ke-tah-ki-he-ga, brave,	his x mark.
Woh-to-ba-she-kah, brave,	his x mark.
Neh-chee-wah-hu, brave,	his x mark.
Moh-per-kah-hu, brave,	his x mark.
Wah-keh-she, brave,	his x mark.
Esawahlee, brave,	his x mark.
Ah-ke-tah-shin-ka, brave,	his x mark.
To-ter-money, brave,	his x mark.
Meen-cha, brave,	his x mark.
Gu-ger-a-tie, brave,	his x mark.
Chee-un-ner-shee, brave,	his x mark.
Me-ti-in-ka, brave,	his x mark.
Hone-yah-ker, brave,	his x mark.
Wah-ker-nun-kee, brave,	his x mark.
As-ker-money, brave,	his x mark.
Mih-kah-gu-shin-ga, brave,	his x mark.
Wah-she-hah-la, brave,	his x mark.
Va-nu-kah-he, brave,	his x mark.
Tah-tee-kah-she, brave,	his x mark.
Wets-ah-hah, brave,	his x mark.
Big Heart, brave,	his x mark.
Little Horse, brave,	his x mark.
Hig-a-wah-lee, brave,	his x mark.
Karp-har-shee, brave,	his x mark.
Jah-pah-shin-kah, brave,	his x mark.
Ah-ner-her-nu-she, brave,	his x mark.
Tah-he-min-kee, brave,	his x mark.
Wah-ti-in-ka-shin-ka, brave,	
Wah-ja-kee-tah-pah-hu, brave,	his x mark.
Masha-ke-tah, brave,	his x mark.

[Indorsements.]

DEPARTMENT OF THE INTERIOR, INDIAN OFFICE, *July* 8, 1874.

Approved for fifty thousand dollars.

EDWD. P. SMITH,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, July 21, 1874.

The within contract between C. N. Vann and W. P. Adair, and the Great and Little Osage Nation of Indians, entered into on the 8th day of February, 1873, is hereby approved to the extent of allowing the said Vann and Adair, attorneys of said Indians, to receive the sum of fifty thousand dollars, ($50,000,) in payment for services rendered by the said C. N. Vann and Wm. P. Adair, in behalf of said Osage Nation.

B. R. COWEN,
Acting Secretary.

No. 6.

OFFICE OF INDIAN AFFAIRS, CENTRAL SUPERINTENDENCY,
Lawrence, Kans., Fifthmonth 1, 1874.

Hon. E. P. SMITH, *Commissioner:*

Inclosed I transmit from Agent Gibson a contract between C. N. Vann and W. P. Adair, and the authorities of the Osage Indians, bearing date February 8, 1873, wherein said Vann and Adair claim to have procured the defeat of the Osage treaty of 1868, and to have procured the passage of the act providing the sale of their reserve in

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Kansas in 1870, whereby the tribe receive about $1.10 per acre more under the latter than under the former. And for this alleged service they claim, and the Osages agree to pay to them, from the proceeds of their land-sales, $230,000, and their receipt of the same shall be a valid voucher to the Government, (No. 1.)

I also inclose protest, (No. 2,) reciting the history and origin of paper No. 1, accompanied by a statement of the chiefs and councilors, dated Eighthmonth 27, 1873, properly attested. In reference to the inclosed, alleged service, and agreement for payment of the same, I call attention to Bureau letter to this office, dated August 20, 1869, directing investigation into the justness of the treaty of 1868, referred to, and of office letter Tenthmonth 11, 1869, transmitting my report. The influence promoting the sale of their lands in 1870 is probably well known to the Bureau. The papers herein evince a willingness on the part of the Osages to remunerate fully for service performed, and ask for an investigation.

Respectfully,

ENOCH HOAG, *Superintendent.*

No. 7.

We, the undersigned chiefs, councilors, and head-men of the Great and Little Osage tribe of Indians, respectfully state that we signed a paper, to which the above is a protest, under an entire misapprehension of facts; and now, with a better understanding of the matter, we do hereby revoke and repudiate that act.

We request, however, that our superintendent and agent, and agent of the Cherokees, be authorized to investigate the claims of the Cherokees for services in our behalf, and to pay them the full ascertained value of the said services.

To-wan-ge-he, his x mark, principal chief Big Hill band.
Clammore, his x mark, principal chief Clammore band.
George Beaver, his x mark, principal chief Beaver band.
W. P. Mathes, councilor Big Hill band.
Moh-shon-ko-she, his x mark, second councilor Big Hill band.
Tally, his x mark, second chief of Clammore band.
Con-so-gar-she, his x mark, first councilor Big Hill band.
Big Elk, his x mark, first councilor Clammore band.
Wah-hun-ko-she, his x mark, brave, Big Hill band.
He-sha-hee, his x mark.
Glo-wah-ti-an-ka, his x mark.
He-koh-kon-se, his x mark.
Saucy Chief, his x mark.
Little Chief, his x mark, chief of Little Osages band.
Tow-ka-wah-ti-an-ka, his x mark.
Wah-moh-kah-wah-she, his x mark.
Tah-ha-koh-he, his x mark.
To-koh-wah-sho-ogle, his x mark, little chief Black Dog band.
White Hair, his x mark, Principal Chief White Hair Band.

Attest:
B. K. WETHERILL.
JAMES A. CHASE.
J. T. GIBSON,
United States Indian Agent.

OSAGE AGENCY, INDIAN TERRITORY, *Eighthmonth* 27, 1873.

I was present at the time of counciling, when Colonels Vann and Adair were having the petition signed by Osage chiefs and others for the purpose of having the Government of the United States pay them $230,000 out of the Osage funds, for alleged services.

During the signing of said petition not to exceed one-half of those whose names are affixed were present at the time, but their names and marks were affixed without their presence, consent, or knowledge.

WM. H. TINKER.

Subscribed and acknowle lged before me this 27th day of Eighthmonth, 1873.

ISAAC. T. GIBSON,
United States Indian Agent.

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To His Excellency U. S. GRANT, *President:*

The undersigned, the governor, chiefs, and head-men, in part, of the Great and Little Osage tribe of Indians, respectfully ask of you a consideration of the following statement of facts, and that you will interpose your strong arm to prevent the consummation of a great wrong to them and to their children.

In the year 1868, certain railroad parties made a contract with the Osages—or a part of them—for the purchase of their lands in Kansas, at an almost nominal price. By what means such a contract or seeming contract was obtained it is unnecessary now to recite; but realizing how homeless and destitute it would make us, we anxiously desired that the contract might be rejected by the Government. While knowing that we ourselves were powerless, and yet in extremest need of help, some able and distinguished Cherokees presented themselves—Colonel Adair, Colonel Vann, Boudinot, and others; they were to us great men, having almost unlimited power at Washington. We made an agreement that if, through them, the railroad-contract was rejected by the United States Senate, they might sell our lands, and have one-half of the excess over the railroad price for their services.

The contract with the railroad was rejected; but our agent and superintendent told us "that the Cherokees named above had no influence in the matter;" that our Great Father and the Senate needed no prompting to do so just an act. In fact, at the time of the treaty, in 1870, when our lands were ceded, Colonel Vann handed the contract to our governor, saying "they had rendered no service and made no charge." It was taken by the governor and torn up.

And now, in this year, in February, 1873, come Colonel Vann and Colonel Adair, and at a remote point on our reservation—on Bird Creek—have a council with a part of the tribe, not a chief, councilor, or a head-man of the Little Osages, nor leading half-breed being present.

The methods employed by these Cherokees at this secret council to obtain something like a resurrection of their former contract are known to us. They have been used at the gathering of the tribe, just over, to secure an apparent ratification of the nefarious Bird Creek transaction, and to our great injury in other matters as well.

These men presented themselves as of our own race, having for us a warm love and a deep interest in our prosperity. This, with the knowledge that they were educated and able men, gave them great influence with our people.

We have had serious trouble with the Wichita Indians recently, growing out of a crime committed by some of our young men, deplored and condemned by the whole tribe. The agent of the Wichitas and our agent and superintendent wished us to surrender the guilty parties to the Government authorities. But our friends, Colonel Vann and Colonel Adair, claiming entire knowledge, told us that there was no law for such surrender, and that it "was gratuitous interference on the part of the agents to ask it." If, in this matter, we seemed to disregard the wishes of Government, let the responsibility rest where it belongs. But their zealous championship in this trouble added to their claims upon us. In the mean time they plied us by every means, day and night, to obtain the ratification they were seeking; council after council was called by them; our own business was neglected and run into confusion; payment was delayed nearly two weeks, until restless and worn out by their importunities, and not realizing the magnitude of the fraud, some of our people signed, as they say, solely to get rid of them; others were wrought upon differently. The Cherokees represented that they had promised large sums to leading men at Washington; that they had shown their contract with the Osages to convince these men of their ability to pay such sums; that it was solely by that means that they had prevented the ratification of the railroad contract; that it would be bad faith to the distinguished men at Washington, Senators and others, to repudiate; and, further, that they had promised almost the entire amount; very little would be left to themselves.

Some of us therefore signed the ratification out of gratitude to our zealous and unselfish friends, to save them from the odium of broken promise made in our behalf. Others were made to believe that these Cherokees could go to law and recover nearly one-half our entire north, present and prospective; but that they, out of the love they bore us, would generously accept the pittance of two hundred and thirty thousand dollars, and relieve us from fear of confiscation and poverty. Add to these, names on the paper without the knowledge or consent of their owners, and you have briefly the facts in the case.

We desire to pay these friends of ours liberally for all service they rendered us. But now we, representing by right the whole of the Little Osages, and, in part, every band of the great and the leading half-breeds, do enter this, our most solemn protest, against the recognition or consummation of this monstrous fraud that is being attempted upon us. And in the name of justice, and by our hopes of seeing our children grow into civilized and educated citizens, we appeal to you, our Great Father, to protect us from the machinations of able and unscrupulous men, who are seeking to devour us.

And as in duty bound we will ever pray.

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Big Hill band.

Nich-kah-wah-shin-ton-kah, chief,	his x mark.
Kan-sa-kao-gree, first council,	his x mark.
Men-sho-o-kah-shau, councilor,	his x mark
Wash-shin-pe-shay, marshal,	his x mrrk.
Sah-ha-kah-ha, councilor,	his x mark.
In-wah-hah-kah, chief,	his x mark.
Non-sou-tah-shay, brave,	his x mark.
Ta-kah-sah-pa, brave,	his x mark.
Geo-war-tah-ne-kah, brave,	his x mark.
Che-mau-kah, brave,	his x mark.
E-lar-nou-sou,	his x mark.
Kah-he-kah-shay,	his x mark.
Iuto-pah-wah-hah-ne-kah,	his x mark.

Hominy band.

Nich-kah-ke-pau-nah, chief,	his x mark.
Sah-so-wa, councilor,	his x mark.
Ah-me-ce, councilor,	his x mark.
Che-sa-pay-tsa, brave,	his x mark.
E-sta-wa-sta, brave,	his x mark.
Ho-wa-sap-pa, brave,	his x mark.
Hah-pah, brave,	his x mark.
Hes-ka-mose, brave,	his x mark.
Hominy, brave,	his x mark.
Hun-kah, brave,	his x mark.
Ho-wat-sa-as-ka, brave,	his x mnrk.
Her-cah-hou-cah, brave,	his x mark.
John Brown, brave,	his x mark.
Ro-she-se-a, brave,	his x mark.
Rah-pah-she, brave,	his x mark.
Rah-hu-rah,	his x mark.
Little Chief, chief,	his x mark.
So-tah-sah,	his x mark.
Mou-sho-o-lak-ray,	his x mark.
Mou-shoh-ko-ruh,	his x mark.
Me-rah-hah,	his x mark.
Sap-pa-re-a,	his x mark.
Wah-pah-ga,	his x mark.
Whip,	his x mark.
Wah-shin-wah-hah,	his x mark.
Wah-nou-sa-sa,	his x mark.
Wah-sho-me-tse-he,	his x mark.

Little Osage band.

Nou-pah-wally, head chief,	his x mark.
Che-to-pah, councilor,	his x mark.
Strake-ax, second chief,	his x mark.
Che-was-tre, councilor,	his x mark.
Oh-re-ro-shoh, councilor	his x mark.
Au-me-he-nau-shy, councilor,	his x mark.
Ah-ra-ah-stoh, councilor,	his x mark.
Ah-ha-shin-skin-rah, brave,	his x mark.
Black Bird, brave,	his x mark.
Price Alber,	his x mark.
Me-he-lah,	his x mark.
Nou-pah-wah-q,	his x mark.
Nah-has-rah-she,	his x mark.
Nou-pah-wah-gle,	his x mark.
Nou-pah-pah,	his x mark.
Ne-kah-cou-lah,	his x mark.
Nau-tsa-hau-roh,	his x mark.
Nau-hoot-sa-ne-ray,	his x mark.
Nau-bah-lau-rah-wohq,	his x mark.
Ne-pah,	his x mark.
No-sha-tou-rah,	his x mark.

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Ne-rah-o-so-brau,	his x mark.
No-wahq,	his x mark.
Naw-rah-to-ho,	his x mark.
No-pah-no-she,	his x mark.
Wya-ha-roh, chief,	his x mark.
Wah-sho-she, councilor,	his x mark.
Wah-ho-pah-shin-rah, councilor,	his x mark.
Wah-le-she, brave,	his x mark.
Wah-no-hoh-wah-no-she, brave,	his x mark.
Cho-pah--shin-kah,	his x mark.
E-pe-sou-sa, brave,	his x mark.
U-sta-tah-wah-tah-ne-kah,	his x mark.
Geo-wah-tah-ne-kah, brave,	his x mark.
Her-cah-man-ne, brave,	his x mark.
Rah-cah-mane, brave,	his x mark.
Hu-lah-shin-coh, brave,	his x mark.
Ha-lah-she, brave,	his x mark.
Ho-sin-sa,	his x mark.
A-rah-hah-mone,	his x mark.
Joseph Mishell,	his x mark.
Re-lah-hah-wah-q,	his x mark.
Rah-sa-rah-qu,	his x mark.
Rah-nah,	his x mark.
Lu-sha-rah-pah,	his x mark.
Lah-ne-pa,	his x mark.
Mah-rah-sho-tsa,	his x mark.
Me-rah-woh-she-ka,	his x mark.
Me-rah-hah,	his x mark.
Mou-sho-okah-shou,	his x mark.
Wah-tsa-re-ton-pah-pe, brave	his x mark.
White-Swawn, brave,	his x mark.
Wah-hoh-hah, brave,	his x mark.
William Conner,	his x mark.
Wah-no-pah-shay,	his x mark.
Wah-no-sou-sa,	his x mark.
Wah-tah-ne-kah,	his x mark.
Wah-sah-a-pah,	his x mark.
Wah-tsa-moh-e,	his x mark.
Woh-ran-te-pah-ho-me,	his x mark.
Woh-skom-wa,	his x mark.
Oke-pa-hla,	his x mark.
O-rah-sha-pa,	his x mark.
O-pah-ho-mie,	his x mark.
Sah-sa-q-tsah,	his x mark.
Shop-pa-tse-ya,	his x mark.
Sau-sa-o-mone,	his x mark.
Sau-sa-cou-hou,	his x mark.
Shap-pa-shin-ra,	his x mark.
Shou-ra-man-i,	his x mark.
Shin-rah-wah-tah-ne-rat,	his x mark.
Sah-ha-walla, brave,	his x mark.
Tah-ha-mi-a, brave,	his x mark.
Tah-ha-shin-rah, brave,	his x mark.
Tse-sha-wally,	his x mark.
Tsa-sa-tou-rah,	his x mark.
Tse-sha-pet-sa,	his x mark.
Tah-ha-rah-ha,	his x mark.
Tsa-mah-e,	his x mark.
Te-sah-mo-ie,	his x mark.
Tsa-mou-pah-she,	his x mark.

White Hair band.

Saucy Chief, second chief,	his x mark.
Che-sho-wah-tah-ne-roh, councilor,	his x mark.
Cru-ah-wah-sho-shay, head councilor	his x mark.
Bacon-skin, councilor,	his x mark.
Big-wild-cat, councilor,	his x mark.
Black-bird, brave,	his x mark.
Che-sho-hun-ra, brave,	his x mark.

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Che-pah-shin-rah, brave,	his x mark.
Hah-ska-noh-she, brave,	his x mark.
He-wah-hoh-koh, brave,	his x mark.
Hu-la-he, brave,	his x mark.
Hei-ro-pah, brave,	his x mark.
Ruel-strakeer, brave,	his x mark.
Ro-she-tse-ne-rah, brave,	his x mark.
Re-wah-gle-she, brave,	his x mark.
Little Bear, brave	his x mark.
Little Chief, chief,	his x mark.
Sah-ne-pe, brave,	his x mark.
Little Koon, brave,	his x mark.
Mah-ho-gle, brave,	his x mark.
Mah-she-poh-mie,	his x mark.
Mou-sho-o-rah-she,	his x mark.
Ne-kah-blah,	his x mark.
Ne-kah-um-pah,	his x mark.
Ne-ho-cau-soh, councilor,	his x mark.
Ne-kah-ke-pau-ne, brave,	his x mark.
O-kah-shau-mone, brave,	his x mark.
O-pah-tau-koh, brave,	his x mark.
Pah-ni-sah-tsa, brave,	his x mark.
Pre-ploh, brave,	his x mark.
Petter Laforce,	his x mark.
Wah-cou-tah-ra,	his x mark.
Wah-toh-cou-lah,	his x mark.
Wah-non-pah-she, brave,	his x mark.
Wah-le-grau-ne-kay, brave,	his x mark.
Wash-shin-koh-e-cualy, brave,	his x mark.
Wash-moh-koh-woh-shin, brave,	
Wash-scot-sa, brave,	his x mark.
Wah-seh-to-shin-kah, brave,	his x mark.
Wah-tsa-wa-he, brave,	his x mark.
Wah-pah-scoh, brave,	his x mark.
Wah-ti-ke-tome-pah-pe,	his x mark.

Beaver band.

Tall Chief, second chief,	his x mark.
Big Wolf, little chief,	his x mark.
Hee-kah-mau-ne, councilor,	his x mark.
Red Eagle, councilor,	his x mark.
Big-horse, brave,	his x mark.
Beg-gah-coh-she, brave,	his x mark.
Re-wah-re-koo,	his x mark.
Che-sho-hom-kah,	his x mark.
Charley Beaver,	his x mark.
Ha-sah-shin-koh,	his x mark.
Hard Heart,	his x mark.
Hoh-to-moe,	his x mark.
John Goose,	his x mark.
John Buffalo,	his x mark.
Kou-sa-hou-kah,	his x mark.
Little Wolf,	his x mark.
Long Pole,	his x mark.
Lah-ne-wah-hle,	his x mark.
Long John,	his x mark.
Le-shool-sa-gra,	his x mark.
Mah-sah-pah-ha,	his x mark.
Men-shaw-ke-toh-shin-koh,	his x mark.
Pah-her-kah-shau,	his x mark.
Shap-pa-tsa-a,	his x mark.
Wah-pe-h: r-sah,	his x mark.
Wah-hoh-hoh,	his x mark.
Wostu Big Heart, councilor,	his x mark.
Wah-cou-tah-cou-lah,	his x mark.

Half-breed band.

Alexander Biet, chief.
Samuel Bevenue, second chief.

Wm. H. Tinker,	Joseph Revard.
A. S. Canvill,	Moses Plomoudere.

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Charles Prudom,
Cyprian Tayrien,
Martin Redman,
A. B. Canville,
Julian Trumbly.
Peter Bigheart.
Louis Canville.
John Bevenne.
Joseph Bellange.
B. M. Kennady.
Toby Mograin.
Paul Aken, United States interpreter.
Frank Trumbly.
Mellcou Chouteu.
John Mongier.
Francis Denvia.
Alfred Canville.
Peter Mann.
John Mosier.

No. 8.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 8, 1874.

SIR: I have the honor respectfully to refer herewith, for the consideration and direction of the honorable Secretary of the Interior, a contract and agreement entered into on February 8, 1873, between C. N. Vann and William P. Adair and the Great and Little Osage Nation, in which the Osages agree to pay to said attorneys the sum of $230,000, this amount being in consideration of services rendered said nation by Vann & Adair, and also in lieu of an agreement entered into between these parties November 10, 1869, and also in lieu of a further agreement between the same parties made and entered into February 8, 1873.

By the first agreement between these contracting parties, that of November 10, 1869, in consideration of services rendered by Vann & Adair in procuring the setting aside and annulling of a certain treaty made at Drum Creek, in the Osage Nation, May 7, 1868, under what are alleged to have been "extraordinary circumstances," and by which it was stipulated that the lands of the Osage people, in the State of Kansas, should be sold to the railroad company at 12½ cents per acre; and, also, in consideration of their services in procuring legislation by which the Osages realized $1.25 per acre for the same land, the Osage Nation stipulated in the first agreement to pay as a contingent fee to said Vann & Adair a sum equal to one-half of the gross amount that should be gained by the annulling of the pending treaty and the procuring of a new sale.

The second agreement, that of February 8, 1873, declares that whereas the attorneys have performed well their duties in the premises, and have done all they contracted to do, and have procured for the Osage Nation a sum aggregating several million dollars, and whereas such sum is greater than was the expectation of either contracting party, the attorneys willingly propose a reduction of their stipulated contingent fee, and agree to take in lieu of said fee the sum of $330,000.

These two agreements are signed by the chiefs of the Great and Little Osage Nation, and certified to by Thomas Mosier, interpreter, and also by Charles Rogers, district judge, Coo-we-shoo-we district, Cherokee Nation, who certifies that "this contract was read, explained, interpreted, agreed upon, signed, and acknowledged in his presence."

On the same day the Osage chiefs, in general council, in further action upon this agreement, confirmed and ratified the same, with the further understanding that the contingent fees, therein named as due the said attorneys, Vann & Adair, should be reduced to $230,000 instead of $330,000.

The said Vann & Adair consented to such reduction. This contract is signed by seven chiefs, five second chiefs, four third chiefs, nine councilors, and thirty-eight braves of the council, and approved by Joseph Pawnee-no-pah-she, governor of the Osage Nation. It is also witnessed by forty-seven braves with their marks.

Respecting this contract, I beg leave to say that, from the best information I can procure, I have no hesitation in admitting that the great gain to the Osages, amounting to over $5,000,000, in the final sale of their lands, was largely due to the services of Vann & Adair; but in the nature of the case these services could not have been so arduous or valuable in themselves as to warrant the payment of the full amount still offered by the Osages, and I recommend that the contract be approved for the sum of $50,000, to be paid these attorneys in lieu of all claims for past services for the Osage Nation.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

HON. SECRETARY OF THE INTERIOR.

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No. 9.

WILLIAM P. ADAIR, first being duly sworn, upon oath states that in May, A. D. 1868, a certain treaty was made with the Great and Little Osage Indians, by the terms of which the said Indians were to cede to the United States about 8,000,000 acres of land for $1,600,000.

That at the time said treaty was made undue advantage was taken of the Indians by the party who negotiated the said treaty with them, false representations were made to them, threats were freely used to induce them to enter into the treaty, and various other devices were resorted to to influence them in signing the same. That said Indian s did sign said treaty while under the influence of fear, brought about by threats, false representations, and by practical duress.

That said price proposed to be paid by the Government for said lands was grossly inadequate; that said lands were worth to the Government at the time the said treaty was made, on an average, the sum of $1.25 per acre; that immediately after the making of said treaty the Indians became alarmed at what they had done, and they had apprehensions that the same would be confirmed by the Senate. They knew the President and Secretary of the Interior had no knowledge of the circumstances under which it was made. They very soon thereafter, by verbal contract, employed affiant William P. Adair, and C. N. Vann, to proceed to Washington and lay the facts before the authorities, and, if possible, prevent the confirmation of the treaty by the Senate.

That in the year 1869 the said Osage Indians entered into a written contract with the said affiant and the said C. N. Vann, by the terms of which they agreed to give to said parties one-half of all the net proceeds of their lands, after deducting what was to be paid them by the United States under the treaty; that said contract was duly executed and approved by the chiefs and headmen of said tribes in council; that said contract was, according to the best recollection of affiant, furnished to said Osage Indians when they executed a subsequent contract.

That said affiant and C. N. Vann were employed in partnership; that they did proceed to Washington and lay all the facts in connection with the making of said treaty before the authorities, and by reason of their presentation of the case an agent was soon after sent to Kansas to look into the facts in connection with the transaction, that the statements of affiant and C. N. Vann might be confirmed; that said affiant presented all the facts to the Committee on Indian Affairs of the Senate and House of Representatives, and upon the said presentation of facts to the said committee of the Senate, the members thereof were enabled to get action on the said treaty by the Senate postponed until the next session thereof; and in the mean time the said affiant and his partner, C. N. Vann, busied themselves in getting together further facts in the case, that they might be presented to the authorities, in order to convince them that the consent of said Indians to said treaty was secured by false and fraudulent means; that at the next session of the Senate they had so presented said facts that the authorities became convinced that said treaty was one which ought not to be confirmed, and the same was, in consequence of the information given by affiant and C. N. Vann, withdrawn from the Senate; that in consequence of the facts so presented as aforesaid, in regard to said treaty with the said Osages, the act of Congress of 1870 was passed, by the terms of which act the said Osage Indians will probably realize from the sale of their lands to the United States the sum of $10,000,000, instead of $1,600,000.

That affiant states that from the time he was first employed in 1868, by said Osage Indians, until the passage of the law of 1870, and, in fact, until the year 1873, he was constantly employed in and about the business of the Osages, and in looking after their interests and in securing to them a just recognition at the hands of the authorities; that from 1868 until 1870 he was constanly engaged in presenting to members of Congress the facts in connection with the treaty of 1868; that upon his information the authorities at Washington became fully informed, and the members of the Senate and House of Representatives who had charge of Indian Affairs gained such information as enabled them to fully understand the wrong which was attempted to be perpetrated upon the Indians.

That between the time of making said treaty of 1868, and the time the same was withdrawn, there was a change of administration. A new President, Secretary of the Interior, and Commissioner of Indian Affairs came into office, who did not have any knowledge of the facts in connection with said treaty, and it was upon the information of said affiant that such knowledge was gained, as enabled them to fully understand the circumstances under which the treaty was made. This affiant believes that in consequence of his action, and the action of his partner, C. N. Vann, the Osage Indians will realize a net sum of from four to five million dollars more for their lands than they would have realized under the treaty of 1868, and by reason of the action of affiant and of his said partner, the Osage Indians were enabled to purchase lands amounting to about 2,000,000 acres in the Indian Territory, of as good quality as their lands in Kansas, for 70 cents an acre, while they received for their lands in Kansas $1.25 per acre, thereby enabling said Indians to save over one-half million dollars.

That said Osages, fully realizing the great benefits they have derived from the serv-

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ices of said affiant and the said C. N. Vann, with a full knowledge of all the facts before them, did, by their chiefs and head-men, on the 26th day of June, A. D. 1873, enter into a certain written agreement, which is now on file in the Department of the Interior, by which they fully recognized said services, and agreed to pay said parties for such services the sum of $330,000. That said agreement, when presented to the council of said tribe of Indians, was so far modified as to reduce the amount to $230,000, when the same was fully approved and signed by the members of said council, for themselves and their nation's head-men, chiefs, and warriors.

That affiant fully believing that through his aid and counsel and assistance, and the aid and assistance of his partner, these Indians have been saved a very large amount of money, compared with which the fees agreed to be paid them by said Osages is a mere bagatelle, and being fully conscious that affiant and his partner have in good faith labored faithfully and honestly for their clients, and that without their assistance the Osages would have been in great danger of losing a large sum of money, and considering that these facts are fully recognized and appreciated by the Osages, the affiant would earnestly but respectfully ask that the Secretary of the Interior, and the Commissioner of Indian Affairs, will approve said contract for the whole amount thereof, or for so much as they may deem just and equitable in the premises, and that said Secretary will order such an amount as he may deem to be due to at once be paid to affiant. This affiant further states he has been reduced to the necessity of employing council to assist him and his partner, Vann, from the beginning of the case.

W. P. ADAIR.

Sworn and subscribed to before me this 13th day of July, A. D. 1874.
[NOTARIAL SEAL.] T. J. LAZENBY,
Notary Public.

No. 10.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 21, 1874.

SIR: I return herewith, approved to the extent of $50,000, the contract, referred with your letter of the 8th instant, between C. N. Vann and William P. Adair and the Great and Little Osage Nation of Indians, entered into on the 8th day of February, 1873, the said sum to be in payment for services rendered by Vann and Adair as attorneys for said nation.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

No. 11.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 23, 1874.

SIR: Referring to Department letter of 21st instant, returning, with approval to the extent of $50,000, the contract between W. P. Adair and C. N. Vann and the Osage Nation of Indians, dated February 8, 1873, for services rendered by Adair and Vann, as attorneys for said nation, I have the honor to submit, for your further instructions, whether the amount named shall be paid from the item of $200,000, set apart by the act approved June 22, 1874, (page 17, Indian appropriation act,) from the proceeds of the sale of lands of the Great and Little Osage Indians, to be expended for their benefit under the direction of the Secretary of the Interior.

Very respectfully, your obedient servant,

EDWD. P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

No. 12.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 30, 1874.

SIR: I have received and considered your communication of the 23d instant, in which you inquire whether the $50,000 due to W. P. Adair and C. N. Vann from the Osage Na-

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tion of Indians can be paid from the item of $200,000 set apart by the act approved June 22, 1874, (page 17,) from the proceeds of the sale of lands of the Great and Little Osage Indians.

To my own mind the question is not free from doubt, but I have concluded to direct that the requisition be drawn upon that fund, and thereby to submit the matter for the consideration and adjudication of the accounting-officers of the Treasury Department.

The papers are herewith returned.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

No. 13.

OSAGE NATION, INDIAN TERRITORY,
December 14, 1874.

SIR: We have learned with great pleasure that you have received and registered, according to law, the contract that the Osage people made some time since with W. P. Adair and C. N. Vann, of the Cherokee Nation, for legal services rendered by them as attorneys for the Osages before the Government of the United States, and which was approved by the national council of the Osage Nation in 1873, for $230,000. Our nation made this contract in good faith, and we desire it carried out in good faith for the amount it calls for on its face. We desire still further to inform you, which we now do, that Col. W. P. Adair is still the authorized attorney to represent the Osage Nation and people in their general interests before the United States Government, and ask that he be so recognized by you and the other Departments of the Government.

We have the honor to be, very respectfully, your obedient servants and friends,

Big Chief, chief of Big Chief's band, Osage Nation,	his x mark.
Black Dog, chief of Black Dog's band, Osage Nation,	his x mark.
Tah-wah-chee-hee, chief of Big-Hill band, Osage Nation,	his x mark.
White Hair, chief of White-Hair band, Osage Nation,	his x mark.
Neh-chee-wah-heh, second chief Big-Hill band, Osage Nation,	his x mark.
James Big Heart, chief Beaver band, Osage Nation.	
Little Chief, chief Little Chief's band, Osage Nation,	his x mark.
Masholarkey, second chief Big Chief's band, Osage Nation,	his x mark.
Hard Rope, war-chief,	his x mark.
Wah-ti-in-ka, chief councilor,	his x mark.
Mas-ho-gus-key, councilor,	his x mark.
Wash-cum-way, councilor,	his x mark.
Hular-he-kah, councilor,	his x mark.
Ti-ha-kee, councilor,	his x mark.
Kee-mah-ree-shee, councilor,	his x mark.
Co-che-che-nicker, light horse,	his x mark.
Hah-heh, little chief,	his x mark.
Wah-mun-keh, brave,	his x mark.
Young Clarmont, young chief of Big Chief's band,	his x mark.
Shimkemore, second chief Big Hill band,	his x mark.
Wah-coo-nee, second chief Black Dog band,	his x mark.
Major Broke Arm, third chief Black Dog band,	his x mark.
Micco-wah-ti-in-ka, brave,	his x mark.
Hunka-wah-ti-in-ka, small chief,	his x mark.
Gart Homey, second chief White Hair's band,	his x mark.
Too-cah-si-ah, second chief second Big Hill band,	his x mark.
Augustus Captain, councilor,	
Thomas Mosier, councilor,	
Joseph Paw-ne-no-poshe, governor of Osages,	

Representatives of Osage Nation.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

This is to certify that the foregoing letter was signed in good faith in my presence, and that I am well acquainted with the signers thereto, and that they are all responsible representative men.

CHARLES ROGERS,
Judge of the District Court for Coo-wee-skoo-wee District,
Cherokee Nation, Indian Territory.

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No. 14.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 12, 1878.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of a resolution of the Senate, dated the 2d instant, calling for full information as to the nature of the services rendered by William P. Adair and C. N. Vann for which the sum of $50,000 was paid out of money belonging to the Osage Indians, and also the authority by which said payment was made.

In reply I have to state that by the terms of a contract between said Adair and Vann and the Great and Little Osage Nation, the latter agreed to pay to the former the sum of $230,000 in consideration of services rendered as attorneys to said nation, which agreement was in lieu of one entered into between said parties November 8, 1869; and, also, in lieu of a further agreement between the same made February 8, 1873.

By the first agreement between these contracting parties (that of November 10, 1869) in consideration of services rendered by Vann & Adair in interrupting and finally preventing the ratification of a certain treaty made at Drum Creek, in the Osage Nation, May 7, 1868, under what are alleged to have been "extraordinary circumstances," and by which it was stipulated that the lands of the Osage people in the State of Kansas, amounting to over 8,000,000 acres, should be sold to the Atchison, Topeka and Santa Fé Railroad Company for the sum of $1,600,000, and, also, in consideration of their services in procuring legislation authorizing the sale of these same lands at $1.25 per acre, the Osage Nation stipulated to pay, as a contingent fee, to said Vann & Adair, a sum equal to one-half of the gross amount that should be gained by the annulling of the pending treaty, and the procuring of a new sale.

The second agreement (that of February 8, 1873,) declares that whereas the attorneys have performed well their duties in the premises, and have done all they contracted to do, and have procured for the Osage Nation a sum aggregating several millions of dollars, and whereas such sum is greater than was the expectation of either contracting party, the attorneys willingly propose a reduction of their stipulated contingent fee, and agree to take in lieu of said fee the sum of $330,000.

These two agreements are signed by the chiefs of the Great and Little Osage Nation, and certified to by Thomas Mosier, interpreter, and also by Charles Rogers, district judge, Coo-we-shoo-we district, Cherokee Nation, who certifies that "this contract was read, explained, interpreted, agreed upon, signed, and acknowledged in his presence."

On the same day the Osage chiefs, in general council, in further action upon this agreement, confirmed and ratified the same, with the further understanding that the contingent fees, therein named as due to said attorneys Vann & Adair, should be reduced to $230,000 instead of $330,000. The attorneys consented to such reduction. This contract is signed by seven chiefs, five second chiefs, four third chiefs, nine councilors, and twenty-eight braves of the council, and approved by Joseph Paw-nee-no-pah-she, governor of the Osage Nation. It is also witnessed by forty-seven braves with their marks.

Respecting the intelligent assent of the Osages to this contract, I have to say that many of the leading men of this nation, including the governor, have a fair education and that at the time during which this contract of February 8, 1873, was under consideration, the agent of the tribe and the chief clerk of the Central superintendency were present and fully presented to the Indians the effect of the contract which they were signing, showing them, by comparison with the moneys which they were accustomed to receive annually in cash, how many years would be required to aggregate the sum which they were contracting to give these attorneys.

I am satisfied that if any Indians can be made, by any process of demonstration, to understand a pecuniary transaction, these Osages knew what they were doing.

Respecting this contract, I will say that, from the best information I can procure, I have no hesitation in admitting that the great gain to the Osages, amounting to over $8,000,000 in the final sale of their lands, was largely contingent upon the services of Vann & Adair; but believing that these services could not, in any event, warrant the payment of the full amount offered by the Osages, I had the honor to recommend in my report to you, dated the 8th of July last, that the contract be approved only in the sum of $50,000, to be paid these attorneys in lieu of all claims for past services for the Osage Nation. This recommendation was approved by your letter of the 21st of July last, and the question having been submitted to you by report of the 23d July last, whether payment should be made from the item of $200,000 set apart by the act approved June 22, 1874, from the proceeds of the sale of the lands of the Great and Little Osages, you decided, under date of the 30th of July last, to have a requisition issued upon that fund, thereby submitting the matter for the consideration and adjudication of the accounting officers of the Treasury Department. The account was allowed and paid out of said fund.

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The resolution of the Senate is respectfully returned herewith, accompanied by copies of the papers on file in this Office relating to the subject.

Very respectfully, your obedient servant,

EDWD. P. SMITH,
Commissioner.

HON. SECRETARY OF THE INTERIOR.

No. 15.

TREASURY DEPARTMENT,
Washington, D. C., February 15, 1875.

SIR: I have the honor to acknowledge the receipt of your letter of this date, asking from what appropriation your requisition No. 7165, dated 5th August, 1874, in favor of William P. Adair and C. N. Vann, for $50,000 was paid, and to inform you that the same was paid from appropriation "Fulfilling treaties with Osages; proceeds of trust lands."

Very respectfully,

CHAS. F. CONANT,
Assistant Secretary.

Hon. B. R. COWEN,
Acting Secretary of the Interior.

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43D CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 30.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In obedience to a resolution of the Senate, a copy of the report of the directors of the Union Pacific Railroad Company.

FEBRUARY 19, 1875.—Referred to the Committee on Railroads and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 19, 1875.

SIR: In answer to Senate resolution of the 17th instant, I have the honor to transmit herewith a copy of the report of the Government directors of the Union Pacific Railroad Company, made to this Department on the 2d December last.

I am, sir, very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. HENRY WILSON,
Vice-President and President of the Senate.

DECEMBER 2, 1874.

SIR: In the month of August last the Government directors of the Union Pacific Railroad made their annual inspection of the entire line of the said road, and now submit their report of the results of their visitation. The entire line afforded evidence of steady and substantial improvement, and of the competency and faithfulness of the general superintendent's department of the service. The head of said department, and his several assistants, do most carefully and satisfactorily discharge the powers and duties devolved on them; and we are fully impressed with the belief that if more power were vested in the general superintendent the company would derive advantages therefrom. In our report of December 1, 1873, we called attention to certain difficulties relating to the lands granted by the United States to the company. These difficulties arose from the order issued by your predecessor, in 1869, suspending the issuance of patents for the lands to the company, and involved the entire question of the power of the States and Territories in which the lands lie to tax them for local purposes.

This question was carried into Congress during its last session, and a variety of measures were proposed to render the unpatented lands liable to such taxation. Some of the measures were harsh in terms, and would have been mischievous in operation if enacted, by bringing into the land-system of the Government exceptional and unusual principles and rules, and rendering titles to vast bodies of land complicated and uncertain. Happily, the cause for such action toward the lands of the Union Pacific Railroad has been removed by the recent order of the President, directing patents to be issued to this company for its lands.

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This order we understood was based on a report made to the President by a special commission appointed during the past autumn. The purpose of the commission, as we are informed, was to ascertain whether or not the Union Pacific Railroad was completed as required by law, and especially to determine if certain improvements and expenditures recommended by the special commission of "eminent citizens" in their report of October 30, 1869, had been made. The commission of 1869 had recommended that certain "deficiencies" enumerated in their report be required to be supplied by the company, in order to put its road in the condition of a completed road within the meaning of the several acts of Congress relating thereto. The estimated cost of said deficiencies from Omaha to Promontory was $1,586,100. To secure the expenditure of this amount, as recommended by the said commission, patents to the lands of the company were withheld. The report of the recent commission, we are informed, states that the company has complied with the requirements of the Government under the report of 1869, and, the report having been approved, the patents have been ordered to be issued to the company. The execution of this order will settle the difficulties surrounding the question of local taxation hereinbefore alluded to, perfect the titles of many purchasers of the company's lands, quiet the apprehensions of a multitude of settlers thereon, accelerate sales, and tend to a more rapid retirement of the land grant bonds. With regard to the action of the company concerning the improvements and expenditures required by the order of the Department based on the report of the commissioners of October 30, 1869, the Government directors had collected facts and data extending from October, 1869, to July 31, 1874, before being informed of the purpose of the President to appoint a special commission; and not being informed of the detail of the report made by said commission, we present the results of our efforts and inquiries, believing them to fully justify the action which the President has taken with regard to the patents for the lands granted to the company. The aggregate expenditure required of the company by the report of October, 1869, was $1,586,100. This included the line from Omaha to Promontory, as above stated, while the amount required between Omaha and Ogden (the line of the Union Pacific) was $1,380,100. The expenditures of the company for the purposes specified in the said report were greatly in excess of the amount therein required, as will appear by the following comparative statement:

Description of work, &c.	Estimated deficiency, as per report of commissioners.	Actual expenditures of the Union Pacific Railroad Company.	Deficiency.	Excess.
Roadway and track—ballasting, widening, &c	$529,100 00			
Reducing grade at Omaha	60,000 00	$379,162 63	$309,937 37	
Shops and fixtures	130,000 00	268,485 41		$138,485 41
Stations and buildings	10,000 00	551,527 25		541,527 25
Tenement buildings		38,965 45		38,965 45
Bridging	551,000 00	307,163 40	243,836 60	
Snow-sheds and fencing		393,978 14		393,978 14
Fencing		75,779 23		75,779 23
Ties	100,000 00	820,588 58		720,588 58
Telegraph		79,901 16		79,901 16
	1,380,100 00	2,915,551 25	453,773 97	1,989,225 22
Deduct estimated deficiency of commissioners, as per report of 1869		1,380,100 00		
Deduct deficiency				453,773 97
Excess of expenditures over deficiency		1,535 451 25		1,535,451 25

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It will be observed that the large expenditures made by the company do not, in all respects, conform to the recommendation of the commissioners. This is owing mainly to the teachings resulting from the practical operation of the road, more definite knowledge of the country, its streams, drainage, &c.; and therefore a greater benefit has been secured to the property than would have resulted from a strict adherence to the suggestions of the commissioners.

Between the 1st of January, 1874, and the close of our inspection of the road in August last, fifty-five miles of 58-pound rails had been relaid; the cost of rails and transportation to points where used having been $271,552.94. An additional twenty-two miles of rails were contracted for, one-half being in transit and all to be delivered before the close of November.

In the same time there had been put in track 367,307 pine and 47,892 hard-wood ties; the cost of which, at points where used, being $260,249.11, a fraction less than 65 cents per tie, including transportation.

Eight miles of track have been raised during the year, releasing one-half mile of snow-sheds and ten miles of snow-fence—the fences in many places being double or treble breasts, thus accounting for the excess of miles of fence over miles of raised track. The protection of the road now against obstruction by snow has been carried to such a degree of perfection, that impediments to the operation of the line from that cause will be no greater in the future than may be expected on any of the lines between Chicago and New York. The problem of the practicability of the road for winter operation may be considered as solved.

The filling of the high and long trestles mentioned in our report of 1873 has been completed, as follows:

No. 765, near Arpen, 24 feet high, 408 feet long.
No. 766, near Arpen, 50 feet high, 600 feet long.
No. 767, near Arpen, 29 feet high, 186 feet long.
No. 798, near Wasatch, 29 feet high, 186 feet long.
No. 799, near Wasatch, 71 feet high, 590 feet long.
No. 800, near Wasatch, 24 feet high, 360 feet long.
No. 801, near Wasatch, 35 feet high, 350 feet long.
No. 802, near Wasatch, 35 feet high, 386 feet long.

The average height of these trestles was a fraction over 37 feet, and average length, 383¼ feet. The stone culverts placed under them and on which the fills were made cost $9,500, and the cost of filling, $217,655.21. The track over the places once spanned by these high wooden trestles is now as permanent, substantial, and safe as any other part of the line.

Of the Dale Creek bridge the commissioners, in the report of October, 1869, remarked as follows: "The high trestle at Dale Creek is a good structure, and no estimate has been made for filling this, it being a first-class work of its kind." This work was in good condition in August, but it is the purpose of the company, as we are informed, to fill the trestle with earth and rock as others have been filled; and although the expenditure necessary thereto will be larger than that required by any other like work on the line, it will be judicious to make it, and it ought to be done during the present year.

The additions made to the equipment of the road since January 1, 1874, are as follows:

Ten ten-wheel Taunton locomotives, 18 by 24 inch cylinders, thirty-five tons weight; each cost, delivered at Omaha, $11,675, or an aggregate of $116,750.

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Six second-class passengers-cars, built at company's shops at Omaha, at a total cost of $21,402.05.

Sixty-eight box freight-cars, built at company's shops at Omaha, at a total cost of $56,100.

The shops of the company located at several points on the line as heretofore reported are in good condition, well supplied with machinery and material, and in all respects ample for the present requirements of the road.

The gross earnings of the road for the year ending June 30, 1874, were	$10,246,760 16
For the year ending June 30, 1873	9,633,965 09
Increase for 1874 over 1873	612,795 07
Operating expenses, &c., for the year ending June 30, 1874	5,112,400 25
Less surplus in material and fuel account	22,611 08
For year ending June 30, 1873	4,697,999 56
Increase of 1874 over 1873	391,789 61
Net income for year ending June 30, 1874	5,156,970 99
For year ending June 30, 1873	4,935,695 53
Increase of 1874 over 1873	221,275 46

In view of the general depression which fell upon the business of the country following the panic of September, 1873, the results presented by the earnings of the road are gratifying.

As showing the steady increase of business and earnings, we may mention that for the months of July and August, 1874, (covering the time from the close of fiscal year to the close of our inspection of the road,) the gross earnings were

	$1,892,559 16
For same period in 1873	1,714,111 68
Excess in favor of the two months of 1874	178,447 48
The total expenses for the said two months in 1873	838,129 38
For said months in 1874	757,914 83
Decrease in favor of 1874	80,214 55

The net earnings for the year ending June 30, 1874, being $5,156,970.99, by deducting the interest on the first-mortgage bonds, (which the company claim should be done,) and premium on gold at 10 per cent., $1,797,642, we find that the amount on which the Government, for the year, would be entitled to 5 per cent., is $3,359,328.99. Five per cent. on this amount is $167,966.44.

For the year ending August 31, 1874, the company sold of its granted lands 269,292.28 acres, at an average price per acre of $4.91½, making a total amount of sales of $1,314,644.33, of which $121,274.78 was paid in cash; the balance of $1,136,499.59 being evidenced by time-contracts.

The amount of cash received during same period as advanced interest on time-contracts was $2,119.79; and there was paid out by land department for cancellation of land-grant bonds and interest accrued on same, $56,869.96.

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The original issue of land-grant bonds was	$10,400,000 00
August 31, 1874, there had been retired	1,445,000 00
Balance of land-grant bonds outstanding	8,955,000 00
Total number of acres sold to August 31, 1874	1,069,040 96
Total proceeds of sales to that date, cash and time contracts	4,913,513 52

This statement would indicate that the agricultural and grazing lands situate in the State of Nebraska, and included in the grant to the company, will be sufficient to retire the land-grant bonds without regard to the remainder of the grant. This does not include any of the coal-lands belonging to the company, nor those yielding iron, both classes being of great value and constituting a part of the grant.

During the past year the company has issued 8 per cent. funding bonds to the amount of $10,541,800.

The larger part of these bonds, to wit, $10,522,800, have been used in retiring the 10 per cent. income-bonds. The income-bonds issued amounted to $9,355,000. Of income-bonds there are yet outstanding $586,000.

The exchanges of funding bonds for income were made as six to five, that is to say, six of the former were given for five of the latter.

We did not give our consent to this basis of exchange, as we regarded, and do still regard, the funding-bond as the best security, the incomes being no more nor less than notes of the company.

The income-bonds matured in September last, and the rate at which they could be exchanged for the sinking-fund bonds was established to insure a prompt exchange, and thus prevent embarrassment to the company. We think the exchange might have been effected at a less rate, but this was a matter of judgment in which we were overruled. The present market-value of the sinking-fund bonds shows that we were correct, as it is about equal to that which the incomes commanded.

The Union Pacific Railroad Company has taken possession of all the coal-mines heretofore in the possession of the Wyoming Coal and Mining Company, and is now working them as its own property. This has caused a resort to legal proceedings against the company by Thomas Wardell, which, if properly and earnestly resisted by the railroad company, will, in our judgment, result in the defeat of Wardell's pretensions, and in the annulment of the so-called contract, under which the Wyoming Coal and Mining Company long held possession of the vastly valuable coal-lands of the Union Pacific corporation. The contract is copied at length in the report of the Government directors for 1872; and the legal proceedings above referred to were called to the attention of the Secretary of the Interior, by special communication in September last, in which was inclosed a copy of Mr. Wardell's bill of complaint, with the suggestion that the subject be brought to the attention of the Attorney-General, with a view to having instructions given to the United States district attorney for the district of Nebraska, to give his attention to the case.

While we approve the action of the railroad company in repossessing itself of its mining property, we cannot give our assent to its management of the same; nor do we believe that the system of management adopted would be long continued, if the practical executive power of the corporation was located where it ought to be, on the line of the road.

The railroad company took possession of its mines in March last, and

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up to the 1st day of September had mined 64,992 tons, at an average cost of $2.13½ per ton. At the Evanston mines, the rates paid for mining run from $1.12½ to $3 per ton—average about as above stated; while the Rocky Mountain Coal Company pay at the same place 75 cents gold per ton. The latter company has complete control of its mines, and can stock up its yards to any extent it pleases, while the former is not allowed by its employés to stock ahead of present needs. The Rocky Mountain Company employs Chinamen as miners; the Union Pacific Company employs white men exclusively.

The railroad company has undertaken to supply coal to the general market, and in doing this has practically reversed the most odious feature of the Wyoming Coal Company contract; that is, its transportation rates discriminate against other producers of coal, as will appear by the following table, showing number of tons sold by the company at different points on the road, the price per ton, and the rate per ton charged other parties for transportation:

Stations.	Tons sold by railroad companies.	Rate, per ton, at which company sells.	Price charged to other producers, per ton, for transportation.	Excess charged for transporting coal, per ton, over what the company charges for coal, including transportation.
Omaha	1,137	$9 00	$10 00	$1 00
Pappillion to Gibbon	1,341	8 50	11 00	2 50
Kearney to North Platte	233	8 00	9 50	1 50
Cheyenne	150	7 00	6 00	*1 00
Laramie	73	6 50	4 75	1 75
Ogden	417	6 50	10 00	†3 50

* Less than company sells at present. † Excess.

From this table it appears that the railroad company delivers coal to consumers at Omaha at $1 per ton less than they charge other producers of coal for transportation alone, and at Ogden the excess is even greater, being $3.50; and at Cheyenne the rate leaves other producers only $1 per ton for their coal above transportation, while the cost of production to the railroad company averages $2.13½ per ton; so that the present system of management with regard to fuel is as utterly destructive of competition as was the Wyoming Coal Company contract. The policy is without justification or excuse, injurious to true interests of the company, and obstructs the development of the country through which the line passes, and on which it depends for traffic.

The question whether or not the bridge crossing the Missouri river is a part of the line of the Union Pacific Railroad, and to be operated as such, is now in course of determination by the United States circuit court for Iowa. The case of the United States, on the relation of Hall et al. *vs.* The Union Pacific Railroad, presents the question. The case has been argued and submitted, and the decision of the court will be rendered at the May term for 1875.

The earnings of the bridge for the year ending June 30, 1874, were	$396,458 29
Expenses	219,618 54
Net earnings of bridge	176,839 75

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For the year ending June 30, 1874, the company earned on Government account as follows:

Passengers	$208,364 55
Mail	325,143 00
Freight	225,513 71
Total for the year	759,021 26

Under the act of 1873 the Government retains the entire amount of earnings on its own business to apply the same on the interest-account which it holds against the company.

We do not hesitate to re-affirm the opinion expressed in former reports of the Government directors, that the Union Pacific Railroad, with a localized business management, with proper and sufficient power, can be made to meet all of the liabilities which rest upon it, including every dollar which the Government has invested in it. Our study of the road, of its ability to develop business in the country through which it passes and in regions tributary to the line, and of the possible large increase in volume of through traffic, both domestic and foreign, only confirms us in the belief that the road can be made to pay in the fullest sense that its obligations may require.

An intelligent judgment upon this great national work has never been pronounced by the country. Its construction was attended with thoughtless applause. The cost was not counted, nor cared for. The end was looked to only, and everything which tended to secure it was granted with acclaim, and approved without due consideration. The country was then in pursuit of a great object; it is now in possession. Pursuit is always more liberal than possession. If it was too liberal then, it may be that it is too harsh now.

The present opinion of this stupendous work derives its tone and character from developments subsequent to its construction. The "Credit Mobilier" investigation has tinged everything. The judgment which follows completion is as unsound as that which attended construction. The work has substantial merits, which cannot be detected from either of these stand-points. A localized management will support our judgment; and this can be had either by the voluntary action of the company, or by such reasonable and prudent legislation as will not do violence to the company's chartered rights. If this end is not reached, and our recommendations are not approved and enforced, either by the company or by Congress, still the case is not so bad as, from a mere pecuniary point of view, the country now seems to regard it. We believe that the affairs of the company can be so conducted that every dollar of the Government investment can be returned. The point on which we turn the whole case is a localized management. The reasons for this position need not be stated at length, for they must be self-evident to every correct business mind. For three years past the Government directors have recommended the reform here indicated. Our recommendations have passed as the idle wind, and little or nothing has come of them. If nothing is to be done, then we must view this case from another stand-point.

The Government has invested in the Union Pacific Railroad $27,237,000, in six per cent. bonds, issued to aid the company in the construction of its road. The theory of the law extending this aid is, that principal and interest shall all be returned to the United States. Suppose it shall fail, and that not a dollar of this vast investment should be re-

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turned to the Treasury of the United States, except by the indirect methods hereinafter named, what follows in this worst view of the case? Does the Government lose? Has it lost the amount of the investment? The Government has appropriated many millions of dollars for the benefit of commerce without exacting or expecting a direct return therefor. These appropriations have been for the public good. The general benefit was expected to more than repay the special outlay of treasure. A striking example of this policy is afforded by the act of March 2, 1857, which made an appropriation of $500,000 for the improvement of the Des Moines Rapids in the Mississippi River by canal. To that appropriation is attached this proviso: "That any canal that may be constructed around the said Des Moines or Lower Rapids of the Mississippi River shall be, and remain forever, free to the navigation and commerce of said river, and no toll sshall ever be collected thereon." (Statutes at Large, 14, p. 420.) Several millions of dollars of public treasure are involved in this improvement of the navigation of the Mississippi River. In this case the Government said to all parties concerned in the navigation of the Upper Mississippi substantially this: "Build your boats for the upper-river trade and you shall have, at the public charge, uninterrupted navigation from Saint Louis to Saint Paul; the Des Moines Rapids shall be overcome by a canal which shall cost you nothing, and on which you shall pay no toll or charge forever; for the expense of the improvement is contracted for the general benefit of commerce and for the public good." All of the appropriations made from the Treasury of the United States for the improvement of rivers and harbors, for the maintenance of buoys, the establishment of light-houses and life-saving stations, the perfection of the coast-survey, and the defense of our coast are for the common good of the public, and without exaction or expectation of direct return to the national Treasury. The worst case that can be presented against the Union Pacific Railroad Company is better than this.

Suppose that it should not in whole, as it has not in part, pay the interest on the Government bonds issued in aid of its construction, nor provide for the payment of said bonds at their maturity, what then? What is the worst of the case? Two Departments of the Government have furnished answers to this question.

The Postmaster-General stated, in a communication to the House of Representatives, in answer to a resolution of inquiry adopted by that body, that for mail-service rendered by the Union Pacific Railroad Company for the years 1867 to 1872, inclusive, the Government had paid $1,156,138.73, and that had the road not been constructed it would have paid, for the same service, over the routes merged into this one, for the same time, $1,799,718.28, being a saving, calculated on the basis of pounds transported by stage, of $107,263.25 per annum, but in addition to this direct saving, the Postmaster-General states in said communication that "it should be borne in mind that the mail-service by the railroad-route between the Missouri River and the Pacific coast is incomparably superior to the previous service. Under the contracts which expired in 1868, the schedule-time for a trip from Atchison, Kans., to San Francisco, Cal., was sixteen days for eight months, from April to November inclusive, and twenty-four and a half days the residue of the year. By the railroad-route the time, the year round, is less than four and a half days. The average amount of matter conveyed in the mails overland before the completion of the railroads was less than a thousand pounds per day, the paper-mails being mainly forwarded via Panama in consequence of the exaction of prepaid letter-postage rates on

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such matter conveyed between the western boundary of Kansas and the eastern boundary of California, under the 4th section of the act of March 25, 1864; now, that section having been repealed from the 30th September, 1868, by the act of June 25, 1868, the whole letter and paper mails are carried overland, averaging, in March, 1870, on the Union Pacific Railroad, 6,376 per day, and on the Central Pacific 5,308 pounds per day. The railroad companies provide, moreover, first-class cars 48 feet in length, with all the necessary fixtures and furniture, in which railway post-office clerks appointed by the Department accompany and distribute the mails, while in transit, in all respects as if in local distributing post-offices, by which means the detention of mails in such offices is avoided, and the greatest practicable expedition secured."

On the 31st day of January, 1873, the Secretary of War communicated to the House of Representatives of the Congress of the United States, in answer to a resolution of that body, a letter of the Quartermaster-General of the Army of the United States, M. C. Meigs, from which it appears that the construction of the Union Pacific Railroad had saved the Government large sums in that Department of the public service. Making an average of saving on several routes of transportation theretofore used, he states the case thus:

"At this average rate, the estimated cost of transportation of the freight moved by the Union Pacific Railroad, including express charges as shown above, during the time commencing July, 1866, and ending January 28, 1873, would be as follows:"

Rate per 100 pounds per 100 miles, railroad-rates	$0 40½
Rate per 100 pounds per 100 miles, wagon-rates	1 46
Actual cost of freight at railroad-rates	1,896,589 57
Estimate of cost at wagon-rates	6,837,088 32
Showing a total estimated cost for moving the troops and supplies by stage and wagon of	$9,850,134 67
Total actual cost by railroad	3,342,851 82
Estimated difference	6,507,282 85

equivalent to about 66 per cent.

From these statements it appears that the saving to the Government to June 30, 1872, upon the transportation of postal matter alone by reason of the construction of the Union Pacific Railroad amounted to $643,579.55. Upon the same basis the saving to the Government from this source to September 30, 1874, amounted to $1,015,829.90. This statement assumes that the amount or weight carried was only equal to that transported previous to the construction of the road; but in fact the amount by rail has been over six times the amount formerly transported by stage, so that the real saving, taking weight alone as the basis of the calculation, has been about $6,094,979.40.

The statement from the War Department above cited shows that the saving upon military transportation to June 30, 1872, was $6,507,282.85, and upon the same basis the saving to August 31, 1874, would have been $8,462,107.76.

Thus it appears that during the past two years, or since June 30, 1872, the saving to the Government in the transportation of postal matter, of troops, stores, &c., has been at the rate of $1,894,894.40 per annum.

The case comes to this: allowing that there will be no increase in

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amounts carried from year to year, the saving during the thirty years (being the term for which the Government bonds were issued in order to secure the construction of the road) would amount to		$56, 846, 332 00
The Government has advanced in bonds at 6 per cent	$27, 237, 000	
Interest on same for thirty years, at 6 per cent	49, 026, 600	
		76, 263, 600 00
Balance due Government on saving alone		19, 416, 768 00
For this term of thirty years the War Department 33 per cent. of saving would be about $366,333⅓ per year		15, 000, 000 00
Post-Office Department about $100,000 per year		3, 000, 000 00
		1, 000, 000 00

We have not pretended to account for fractions in this estimate, but have simply presented round numbers, and, by this rule find that the Government at the end of thirty years will be a positive gainer by the construction of the Pacific Railroad, though not one cent shall be returned to the Treasury from the company except by the modes above stated.

As a national investment, we believe that the Union Pacific Railroad, with our suggestion effected, will pay.

We leave the results with those who, under the existing laws of Congress, and such amendments as may be enacted, have the power to direct us in our duties.

JAMES F. WILSON.
J. H. MILLARD.
JOHN C. S. HARRISON.
T. B. BREWER.
JOHN A. TIBBITTS.

Hon. C. DELANO,
Secretary of the Interior.

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LETTER

FROM

THE SECRETARY OF THE NAVY,

TRANSMITTING,

In answer to a Senate resolution of February 3, 1875, a copy of the contract made with Miss Vinnie Ream for a statue of Admiral Farragut, and a copy of the authority under which the contract was made.

FEBRUARY 23, 1875.—Referred to the Committee on Appropriations and ordered to be printed.

NAVY DEPARTMENT,
Washington, February 22, 1875.

SIR: In compliance with the resolution of the Senate of the United States of February 3, 1875, requesting the Secretary of the Navy to communicate to the Senate a copy of the contract for the statue of Admiral Farragut, and any papers in relation thereto, I have the honor herewith to transmit—

First. A copy of the said contract, made the 28th day of January, 1875, with Miss Vinnie Ream;

Second. A copy of the formal award of the majority of the commission authorized to select "a suitable and skillful sculptor" for such statue, upon the authority of which the said contract was made, with the reasons for making the said award;

Third. The proposal of Miss Ream; and,

Fourth. The minutes of the formal meeting of the commission.

Very respectfully, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. HENRY WILSON,
Vice-President and President of the Senate of the United States.

Copy of contract.

Whereas Congress, by joint resolution approved April 16, 1872, instructed the Committees of the Senate and House on Public Buildings and Grounds to inspect all such models for a colossal statue of the late Admiral Farragut as might be presented to them on or before January 1, 1873, and within thirty days thereafter to select from such models the one that should, in their judgment, be the most faithful likeness in form and feature, and the most appropriate to commemorate the deeds and character of the said admiral; and did, by said resolution, direct the Secretary of the Navy to contract with the sculptor who should have prepared the model so selected, for such statue, at a cost not exceeding

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twenty thousand dollars, to be erected either in Farragut Square, in the city of Washington, D. C., or in such other place as the said Secretary might designate; said resolution containing a proviso that said committees, in case there should, within said period, be presented to them no such model as they might consider to be a work of art entirely worthy as a tribute of the nation to the naval hero whose memory it was by said resolution proposed to commemorate, might reject any and all models so presented, and report the fact to their respective Houses;

And whereas Congress, by a further resolution, approved December 24, 1872, extended for thirty days the time so fixed for the presentation of models and for selection therefrom;

And whereas, in consequence of there having been made no such selection by said committees, Congress did, by joint resolution approved June 22, 1874, authorize the Secretary of the Navy to contract with some suitable and skillful sculptor for a bronze statue of the late Admiral Farragut, as authorized in said resolution of April 16, 1872, and did thereby provide that the selection of the sculptor or artist should be made by the Secretary of the Navy, the General of the Army, and Mrs. Virginia L. Farragut, or a majority of them;

And whereas a majority of said last named and described persons did, on December 1, 1874, in conformity with said resolution, select Miss Vinnie Ream, of said Washington, sculptor, to execute said statue, and it has thus become the duty of the Secretary of the Navy to contract with said Vinnie Ream for said statue:

Now, therefore, this agreement, made and concluded this 28th day of January, 1875, by and between George M. Robeson, Secretary of the Navy, for and in behalf of the United States, and the said Vinnie Ream, witnesseth, that for and in consideration of the sum of twenty thousand dollars, to be to her paid as hereinafter stipulated, said Vinnie Ream hereby binds herself to execute and deliver and cause to be erected in Farragut Square aforesaid, within a reasonable time, a colossal statue, ten feet in height, of the late Admiral David G. Farragut, made of the best quality of bronze, and also a granite pedestal of suitable height, similar in style and equal in quality to that of the Scott statue at the Soldiers' Home, in said District, both statue and pedestal to be finished to the reasonable satisfaction of the commissioners who made the award to Miss Ream, or the survivors or survivor of them.

And this agreement further witnesseth, that the Secretary of the Navy, for and in behalf of the United States, and in consideration of the foregoing agreement on the part of the said Vinnie Ream, hereby promises and agrees to pay to said Vinnie Ream the sum of twenty thousand dollars in installments, as follows, viz: Five thousand dollars as soon as Congress shall have made the needful appropriation, five thousand dollars on the completion of a plaster model of said statue and pedestal to the reasonable satisfaction of said commissioners, their survivors or survivor, as aforesaid, and the remainder of said sum of twenty thousand dollars when said bronze statue and granite pedestal shall be completed conformably to said model, and shall be delivered and erected in said square, to the reasonable satisfaction of said commissioners, their survivors or survivor, as aforesaid.

In witness whereof we have hereto set our hands this 28th day of January, 1875.

GEO. M. ROBESON.
Secretary of the Navy.
VINNIE REAM.

In presence of—
JOHN A. BOLLES.

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Award.

Whereas by the joint resolution entitled "A joint resolution amending joint resolution of April 16, 1872, relating to the statue of the late Admiral Farragut," approved June 22, 1874, it was—

Resolved, That the Secretary of the Navy is hereby authorized to contract with some suitable and skillful sculptor for a bronze statue of the late Admiral Farragut, as authorized in the joint resolution of April sixteenth, eighteen hundred and seventy-two, to be disposed of as therein directed: *Provided*, That the selection of the sculptor or artist to execute the statue shall be made by the Secretary of the Navy, the General of the Army, and Mrs. Virginia L. Farragut, or a majority of them:

Now, by virtue of our authority under such resolution, we, the undersigned, a majority of the persons designated therein to select a suitable and skillful sculptor to execute a bronze statue of the late Admiral Farragut, do hereby declare that we have selected Miss Vinnie Ream as such sculptor to execute the said work as in the said joint resolution provided; and we do hereby certify the same under our hands, respectively, to the end that a contract may be executed with her for said work by the Secretary of the Navy in accordance with the directions of the said resolution.

Washington, December 1, 1874.

W. T. SHERMAN, *General.*
VIRGINIA L. FARRAGUT.

HEADQUARTERS ARMY OF THE UNITED STATES,
Saint Louis, Mo., December 23, 1874.

DEAR SIR: I had the honor to receive your letter of December 19, with a copy of Mrs. Admiral Farragut's of November 20, in Washington, last Saturday, just as I was on the point of starting for the West. I then signed the award and gave it back to the aid-de-camp who had brought the papers to me.

I hardly deem it necessary to explain why I voted for Miss Ream as the "artist" to execute the statue of Admiral Farragut. Still, as you express a wish that I should do so, and say that you will explain the reasons for your dissent, I will state that I agreed perfectly with Mrs. Farragut that, of all the models and designs exhibited last year in the Capitol, and of those submitted to us on the occasion of our last meeting in Washington, that of Miss Ream was the best.

Other, and it may be better, artists applied to us for the commission, but they attached less importance to the exact likeness, to which very naturally Mrs. Farragut insisted on, and I agreed with her perfectly in her conclusion that in this special statue we were bound to elect that model which would nearest perpetuate the form and features of her husband, leaving to other artists to execute in their own way and in their own time their ideals of the great naval hero.

Miss Ream also had strong claims on Mrs. Farragut by her early and persistent labors in procuring the legislation which resulted in Congress providing the means for this statue, and as I knew Mrs. Farragut to be a lady of high culture, who had traveled much and seen all the great works of art in Europe, when she who was so much interested was emphatic in her opinion, I had no hesitation in confirming her choice, and I now assert that I have not the remotest intention of changing my vote.

With great respect, your obedient servant,

W. T. SHERMAN, *General.*

Hon. GEO. M. ROBESON,
Secretary United States Navy, Washington, D. C.

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WASHINGTON, *November* 20, 1874.

SIR: I give my vote for Miss Vinnie Ream, because, of the few models presented for my careful inspection, I find hers best recalls the features, form, and presence of my husband; and although I thoroughly appreciate the skill of the distinguished artists whose claims and sketches have received most respectful attention from the committee, I feel no fear in intrusting the work to Miss Vinnie Ream, whose early and great zeal in the matter found no rest until Congress passed the bill that secured to my husband the national compliment, and I am glad the success of her model justifies me in paying this grateful compliment to the woman artist who deserves it so well.

Respectfully submitted.

VIRGINIA L. FARRAGUT.

The Hon. Secretary of the Navy, GEORGE M. ROBESON,
Chairman of the Committee on the Farragut Statue.

NAVY DEPARTMENT,
Washington, December 26, 1874.

I dissent from the conclusion of my associates on this commission, and decline to concur with them in selecting Miss Ream—

First. Because the model prepared by her, under the resolution of April 16, 1872, has already been substantially rejected by the committees of Congress to whom the question of selecting one was by said resolution referred, in that, though the model, with others, was before them for inspection, to determine whether it was "entirely worthy, as a tribute of the nation, to the naval hero whose memory it was proposed to commemorate," they failed to select it as being so worthy.

Second. Because, after such failure of said committees to declare this or any other of the models submitted "entirely worthy as a tribute of the nation," Congress itself, with all the facts before it, adopted, by the resolution of June 22, 1874, a different system of selection, and substantially rejecting this and all other models submitted, directed that "a suitable and skillful" sculptor should be employed; such sculptor to be selected by this commission, obviously not on the models before submitted, but by the general and ordinary tests of their executed and known works, cultivated and matured experience, general artistic reputation, and admitted standing and ability in their profession; and because, judging by these standards, or any of them, I cannot agree that Miss Ream is the one to be selected as the most "suitable and skillful" of all American sculptors (for I agree that American sculptors are the most "suitable") to execute this statue, which is designed by Congress to be "entirely worthy" as a tribute of a great nation to its great naval hero; and I am greatly strengthened in my views upon this question because I feel assured they are also the views of the American Navy, whose feelings on this matter I am bound to respect, as far as my own judgment will permit.

For these reasons, among others, I cannot concur in this award, and have cast my vote for Mr. Thompson, though also willing to unite with my associates upon any one of several of the distinguished artists named. I shall, of course, be ready to make the contract with the artist designated by the majority of this commission, who are empowered by law to make their own selection.

GEO. M. ROBESON,
Secretary of the Navy.

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Proposal.

WASHINGTON, D. C., *November* 20, 1874.

I hereby offer and undertake to make, and cause to be erected in the Farragut Square, in the city of Washington, D. C., a colossal statue of the late Admiral Farragut, in bronze of the best quality, and executed in the best style, and within a reasonable time; the statue to be ten feet in height, with a pedestal of granite similar to and equal in all respects to that of General Scott at the Soldiers' Home, varying only in height to suit the size of the bronze statue and the location.

I will model the bronze statue according to the model submitted to yourselves at my studio on the 19th instant, with such minor modifications as may be suggested by the committee in the progress of the work, the whole, when done, to be subject to the approval of the committee, for the sum of $20,000.

VINNIE REAM.

Hon. GEO. M. ROBESON, *Secretary United States Navy,*
General W. T. SHERMAN, *United States Army, and*
MRS. Admiral FARRAGUT, *Committee on Farragut Statue.*

Minutes of the proceedings of the commission on the Farragut statue.

The commission appointed by the joint resolution approved June 22, 1874, to select a suitable and skillful sculptor to execute a bronze statue of the late Admiral Farragut, pursuant to agreement made at their informal meeting in New York, on the 3d day of October, 1874, met at the Arlington Hotel, in Washington City, on the 19th day of November, 1874, at 12 m.

Present: The Secretary of the Navy, the General of the Army, and Mrs. Virginia L. Farragut, viz, all the members of the commission.

It was agreed to visit the public works of art already set up in the public grounds of the city and its neighborhood, and also to examine such models for a statue of Admiral Farragut as were already prepared in the city.

The commission proceeded to carry out this agreement; after which they adjourned to meet at the Arlington Hotel at 11 o'clock on the 20th of November.

NOVEMBER 20, 1874.

The commission met in formal session at the Arlington Hotel, at 11 o'clock, November 20, all the members being present.

It was the unanimous opinion of the commission that by the terms of the resolution they were limited in their selection to a sculptor who would execute a suitable statue, including pedestal, for the sum of $20,000.

This being determined, the propositions made were formally submitted by the Secretary of the Navy, being propositions of J. Wilson Macdonald, E. D. Palmer, H. K. Brown, Miss Vinnie Ream, Launt Thompson, Clark Mills, Horatio Stone, and Franklin Simmons; also, the names of Mr. Ball, of Boston; Mr. Bailly, of Philadelphia; Mr. Randolph Rogers, Mr. Ward, Mr. Meade, Mr. Story, and other distinguished sculptors of the country were considered.

The question was then asked by the Secretary of the Navy (the

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chairman) whether the commission had now received all the information and made all the examinations that they felt to be necessary before making their choice.

This was answered unanimously in the affirmative.

The Secretary of the Navy being asked to name informally his first choice, says that his first choice, on the information that he now has, would be Mr. Launt Thompson, of New York; but that he would be willing to vote for Mr. Simmons or Mr. Brown, provided that either of these men were agreeable to the other members of the commission; also, that Mr. Macdonald and Mr. Ward were artists of good reputation and highly recommended, and that he would agree to them; but he could not vote for Miss Ream, for the reason he had already stated informally.

Mrs. Farragut gave, as her first choice, the name of Miss Vinnie Ream, and for her second, the name of Mr. Launt Thompson.

General Sherman said, "I will vote for Miss Ream, because she has presented a faithful likeness of Admiral Farragut, as I understood him and as I remember him. If any other party is named, I would prefer Launt Thompson."

The Secretary of the Navy then suggested that, as his first choice seemed to be second choice of the others, the commission might agree on him.

This was not agreed to.

The formal vote being then taken, the Secretary of the Navy voted for Launt Thompson, of New York; Mrs. Farragut voted for Miss Vinnie Ream, of Washington, and General Sherman voted for Miss Vinnie Ream.

Miss Vinnie Ream having been thus selected, it was determined that a formal award be drawn up by a majority of the commission and submitted to the Secretary of the Navy for his action under the resolution, each member of the commisson giving their reasons for their action, if they thought proper.

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43D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 32.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In compliance with a Senate resolution of February 23, 1875, a report of the expedition to the Black Hills, under command of Bvt. Maj. Gen. George A. Custer.

FEBRUARY 26, 1875.—Ordered to lie on the table and be printed.

WAR DEPARTMENT,
February 25, 1875.

The Secretary of War has the honor to transmit to the United States Senate, in compliance with resolution of the 23d instant, report of the late expedition to the Black Hills, under the command of Bvt. Maj. Gen. George A. Custer.

WM. W. BELKNAP,
Secretary of War.

[Telegram.]

HEADQUARTERS BLACK HILLS EXPEDITION,
Eight and a half miles southeast of Harney's Peak, August 2,
(*Via Fort Laramie, Wyo.*, 8, 1874.)

ASSISTANT ADJUTANT-GENERAL,
Department of Dakota, Saint Paul, Minn.:

My last dispatch was dated July 15, and sent from Prospect Valley, Dakota, longitude 103 degrees and 46 minutes, latitude 45 degrees and 29 minutes. Two of my Indian scouts left as bearers of the dispatch as soon as their departure could be concealed by the darkness. After leaving that point this expedition moved in a southwesterly direction until it reached the valley of the Little Missouri River, up which we moved twenty-one miles. Finding this valley almost destitute of grazing along our line of march, I ordered the water-kegs filled and a supply of wood placed in the wagons, and left the valley in search of a better camp-ground. During our passage up the valley of the Little Missouri we had entered and were about to leave the Territory of Montana. Our course was nearly due south. After further march of about nine miles, we arrived before sundown at a point capable of furnishing us good grazing and water for our animals, having marched over thirty miles since breaking camp in the morning. From this point to the valley of the Belle Fourche we found the country generally barren and uninviting, save in a few isolated places. We reached the Belle Fourche on the

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evening of the 18th of July, encamping where good grass, wood, and water were abundant, and at a point a short distance above that marked fifteen (15) on Reynolds's map, just west of the line separating Dakota from Wyoming. The following day was spent in camp.

On the 20th we crossed the Belle Fourche and began, as it were, skirmishing with the Black Hills. We began by feeling our way carefully along the outlying ranges of hills, seeking a weak point through which we might take our way to the interior. We continued from the time we ascended from the valley of the Belle Fourche to move through a very superior country, covered with the best of grazing and abundance of timber, principally pine, poplar, and several varieties of oak. As we advanced, the country skirting the Black Hills to the southward became each day more beautiful. On the evening of the 22d, we halted and encamped east of and within four miles of the Cave Inyan Kara. Desiring to aside (ascend ?) that peak the following day, it being the highest on the western range of the Black Hills, I did not move camp the following day, but, taking a small party with me, proceeded to the highest point of this prominent landmark, whose height is given as 6,600 feet. The day was not favorable for obtaining distant views, but I decided on the following morning to move due east and attempt the passage of the hills. We experienced considerable delay from fallen timber which lay in our pathway. With this exception, and a very little digging, rendered necessary in descending into a valley, the pioneers prepared the way for the train, and we reached camp by 2 o'clock, having marched eleven miles. We here found grass, water, and wood of the best quality, and in great abundance. On the following day we resumed our march up this valley, which I had explored the preceding evening, and which led us by an easy ascent almost southeast.

After marching nearly twelve miles, we encamped at an early hour in the same valley. This valley, in one respect, presented the most wonderful as well as beautiful aspect. Its equal I have never seen; and such, too, was the testimony of all who beheld it. In no private or public park have I ever seen such a profuse display of flowers. Every step of our march that day was amid flowers of the most exquisite colors and perfume. So luxuriant in growth were they that men plucked them without dismounting from the saddle. Some belonged to new or unclassified species. It was a strange sight to glance back at the advancing columns of cavalry, and behold the men with beautiful bouquets in their hands, while the head-gear of the horses was decorated with wreaths of flowers fit to crown a queen of May. Deeming it a most fitting appellation, I named this Floral Valley. General Forsyth, at one of our halting-places, plucked seventeen beautiful flowers, belonging to different varieties, and within a space of twenty feet square. The same evening, while seated at the mess-table, one of the officers called attention to the carpet of flowers strewn under our feet, and it was suggested that it be determined how many different flowers could be plucked without leaving our seat at dinner-table. Seven beautiful varieties were thus gathered. Professor Donaldson, the botanist of the expedition, estimated the number of flowers in bloom in Floral Valley at fifty, while an equal number of varieties had bloomed, or were yet to bloom. The number of trees, shrubs, and grasses was estimated at twenty-five, making the total flora of the valley embrace one hundred and twenty-five species. Through this beautiful valley meanders a stream of crystal water so cold as to render ice undesirable even at noonday. The temperature of two of the many springs found flowing into it was taken, and ascertained to be forty-four and forty-four and one-half de-

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grees respectively. The next morning, although loath to leave so enchanting a locality, we continued to ascend this valley until gradually, almost imperceptibly, we discovered that we were on the crest of the western ridge of the Black Hills, and instead of being among barren peaks, as might be supposed, we found ourselves wending our way through a little park, whose natural beauty may well bear comparison with the loveliest portions of Central Park. Favored as we had been in having Floral Valley for our roadway to the crest of the Black Hills, we were scarcely less fortunate in the valley which seemed to rise to meet us in the interior slope. The rippling stream of clear, cold water, the counterpart of that we had ascended the day before, flowed at our feet and pointed out the way before us, while along its banks grew beautiful flowers, surpassed but little in beauty and profusion by their sisters who had greeted us the day before. After advancing down this valley about fourteen miles, our course being almost southeast, we encamped in the midst of grazing whose only fault, if any, was the great luxuriance. Having preceded the main column, as usual, with an escort of two companies of cavalry (E and C) and Lieutenant Wallace's detachment of scouts, I came upon an Indian camp-fire still burning, and which, with other indications, showed that a small party of Indians had encamped there the previous night, and had evidently left that morning in ignorance of our close proximity. Believing they would not move far, and that a collision might take place at any time unless a friendly understanding was arrived at, I sent my head scout, "Bloody Knife," and twenty of his braves to advance a few miles and reconnoiter the valley. This party had been gone but a few minutes when two of Bloody Knife's young men came galloping back and informed me that they had discovered five Indian lodges a few miles down the valley, and that Bloody Knife, as directed, had concealed his party in a wooded ravine where they awaited further orders. Taking a company with me, which was afterward reenforced by the remainder of the scouts, and Colonel Hart's company, I proceeded to the ravine where Bloody Knife and his party lay concealed, and from the crest beyond obtained a full view of the five Indian lodges, about which a considerable number of ponies were grazing. I was enabled to place my command still nearer to the lodges undiscovered. I then dispatched a guard, the interpreter, with a flag of truce, accompanied by two of our Sioux scouts, to acquaint the occupants of the lodge that we were friendly disposed and desired to communicate with them. To prevent either treachery or flight on their part, I galloped the remaining portion of my advance and surrounded the lodges. This was accomplished almost before they were aware of our presence. I then entered the little village and shook hands with the occupants, assuring them, through the interpterer, that they had no cause to fear, as we were not there to molest them. I invited them to visit our camp, and promised presents of flour, sugar, and coffee to all who would accept. This invitation was accepted. At the same time, I entered into an agreement with the leading men they should encamp with us a few days and give us such information concerning the country as we might desire, in return for which service I was to reward them with rations. With this understanding, I left them. The entire party numbered twenty-seven. Later in the afternoon, four of the men, inluding the chief, "One Stab," visited our camp and desired the promised rations, saying their entire party would move up and join us the following morning, as agreed upon. I ordered presents of sugar, coffee, and bacon to be given them, and to relieve them of their pretended anxiety for the safety of their village during the

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night, I ordered a party of fifteen of my command to return with them and protect them during the night. But from their great disinclination to wait a few minutes, till the party could saddle up, and from the fact that two of the four had already slipped away, I was of the opinion that they were not acting in good faith. In this I was confirmed, when the two remaining ones set off at a gallop in the direction of their village. I sent a party of our scouts to overtake them and request them to return. Not complying with this request, I sent a second party with orders to repeat the request, and if not complied with, to take hold of the bridles of their ponies and lead them back, but to offer no violence. When overtaken by our scouts, one of the two Indians seized the musket of one of the scouts and endeavored to wrest it from him. Failing in this he released his hold, after the scout became dismounted in the struggle, and set off as fast as his pony could carry him, but not before the musket of the scout was discharged. From blood discovered afterward, it was very evident that either the Indian or his pony was wounded. I hope that neither was seriously hurt, although the Indians have their own bad faith as the sole ground for the collision. "One Stab," the chief, was brought back to camp. The scouts galloped down the valley to the site of the village, when it was discovered that the entire party had packed up their lodges and fled, and the visit of the four Indians to our camp was not only to obtain their rations promised them in return for future services, but to cover the flight of the lodges. I have effected arrangements by which the chief One Stab will be with us as guide three days longer, when he will take his departure and rejoin his band. He claims to belong to both Red Cloud's and Spotted Tail's agencies, but has been to neither for a long time. He has recently returned from the hostile camp on Powder River, and represents that the Indians lost 10 killed, in their fights with the Bozeman exploring party. The creek which led us down into the interior of the Black Hills is bordered by high bluffs, on the crests of which are located prominent walls of solid rock, presenting here and there the appearance of castles constructed of masonry. From their marked resemblance, I named this stream Castle Creek. The direction of Castle Creek having commenced to lead us more to the northeast than we were prepared to go, and the valley having become narrow and broken, I left this water-course and ascended the valley of a small tributary, which again gave us a southeasterly course. After a march of fourteen miles, encamped on a small creek furnishing us an abundance of water and grass. The direction of this creek was nearly east. On the 30th, moved in the continuation of our previous course, and through a fine open country covered with excellent grazing. After a march of over ten miles, we encamped early in the day about five miles from the western base of Harney's Peak—finding water and grass and wood abundant, with springs of clear cold water running through camp. On the following day the command remained in camp, except the exploring parties sent out in all directions. With a small party I proceeded to Harney's Peak, and after great difficulty made the ascent to its crest. We found this to be the highest point in the Black Hills. From the highest point we obtained a view of Bear Butte, in the north part of plains to the east, far beyond the Cheyenne River. Our party did not reach camp till near 1 o'clock that night, but we were amply repaid for our labor by the magnificence of the views obtained. While on the highest point, we drank the health of the veteran out of compliment to whom the peak was named. On the 1st of August we moved camp a few miles, simply to obtain fresh grass, still keeping near the base of the hills to the east

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of us. This a. m. I dispatched two companies, under Colonel Hart, in a southeasterly direction, to extend our exploration with the South Fork of the Cheyenne River. To-morrow morning at 5 o'clock I will set out with five companies of cavalry and endeavor to reach the same stream in a southwesterly direction from Harney's Peak. Reynolds, the scout who is to carry this dispatch to Fort Laramie, will go with us as far as we go in that direction, when he sets out alone to reach his destination, traveling mainly by night. The country through which we have passed since leaving the Belle Fourche River has been generally open and extremely fertile. The main portion of that passed over since entering the unexplored portion of the Black Hills consists of beautiful parks and valleys, through which flows a stream of clear, cold water, perfectly free from alkali, while bounding these parks or valley is invariably found unlimited supplies of timber, much of it capable of being made into good lumber. In no portion of the United States, not excepting the famous blue-grass region of Kentucky, have I ever seen grazing superior to that found growing wild in this hitherto unknown region. I know of no portion of our country where nature has done so much to prepare homes for husbandmen, and left so little for the latter to do, as here. The open and timbered spaces are so divided that a partly-prepared farm of almost any dimensions, of an acre and upward, can be found here. Not only is the land cleared and timbered, both for fuel and building, conveniently located, with streams of pure water flowing through its length and breadth, but nature oftimes seems to have gone further and placed beautiful shrubbery and evergreens in the most desirable locations for building-sites, while on Harney's Peak I could contrast the bright-green verdure of these lovely parks with the sunburned and dried yellow herbage to be seen on the outer plains. Everything indicates an abundance of moisture within the space inclosed by the Black Hills. The soil is that of a rich garden, and composed of a dark mold of exceedingly fine grain. We have found the country in many places covered with wild raspberries, both the black and red varieties. Yesterday and to-day I have feasted on the latter. It is no unusual sight to see hundreds of soldiers gathering wild berries. Nowhere in the States have I tasted cultivated raspberries of equal flavor to those found growing wild here, nor have I ever seen them as large or in as great profusion as I have seen hundreds of acres of them here. Wild strawberries, wild currants, gooseberries, two varieties of pure berries, and wild cherries are also found in great profusion and of exceeding pure quality. Cattle could winter in these valleys without other food or shelter than that to be obtained from running at large. As there are scientists accompanying the expedition who are examining into the mineral resources of this region, the result of whose researches will accompany my detailed report, I omit all present reference to that portion of our explorations until the return of the expedition, except to state, what will appear in any event in the public prints, that gold has been found at several places, and it is the belief of those who are giving their attention to this subject that it will be found in paying quantities. I have upon my table forty or fifty small particles of pure gold, in size averaging that of a small pin-head, and most of it obtained to-day from one panful of earth. As we have never remained longer at our camp than one day, it will be readily understood that there is no opportunity to make a satisfactory examination in regard to deposits of valuable minerals. Veins of lead and strong indications of the existence of silver have been found. Until further examination is made regarding the richness of the gold, no opinion should be formed.

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Veins of what the geologists term gold-bearing quartz crop out on almost every hillside. All existing geological or geographical maps of this region have been found incorrect. This will not seem surprising when it is remembered that both have been compiled by guess-work and without entering the country attempted to be represented. The health of the command continues excellent. I will begin my northward march in four days from this date. I do not expect to arrive at Fort Lincoln until the 31st of August.

G. A. CUSTER,
Brvt. Maj. Gen. U. S. A., Commanding Expedition.

Postscript, 10 30 p. m., August 3.—I left our main camp near Harney's Peak at 6 o'clock this morning with five companies of cavalry, and after a march in a southerly direction of forty-five miles, reached the south fork of Cheyenne River, at the mouth of a creek flowing from the north and emptying into the Cheyenne midway between the mouths of Hot and Horsehead Creeks. From this point Reynolds, the scout sets out in one hour with this dispatch for Fort Laramie. I reached here at 9 p. m., and will proceed to Harney's Peak by a different route to-morrow morning. The country between here and Harney's Peak is generally open and rolling, and, excepting the southeastern portion, covered with excellent grass.

G. A. CUSTER,
Brevet Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF DAKOTA,
Saint Paul, August 11, 1874.

Official copy respectfully forwarded to headquarters Military Division of the Missouri for the information of the Lieutenant-General, commanding.

ALFRED H. TERRY,
Brigadier-General, Commanding.

HEADQUARTERS MILITARY DIVISIÓN OF THE MISSOURI,
Chicago, August 15, 1874.

Respectfully forwarded for the information of the General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, August 19, 1874.

Respectfully forwarded to the Secretary of War, inviting his perusal.

W. T. SHERMAN,
General.

HEADQUARTERS BLACK HILLS EXPEDITION,
Bear Butte, Dak., August 15, (via Bismarck.)

My last dispatch was written on the 2d and 3d instant, and sent from the south fork of the Cheyenne, from a point on the latter nearest to Fort Laramie. On the morning of the 4th instant I began my return march to our main camp, near Harney's Peak, arriving there by a different route on the 6th. On the morning of the 7th the expedition began its march northward, Bear Butte being our next objective point.

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We advanced without serious obstacle until within ten or twelve miles of Bear Butte, when we found our further progress barred by a high range of impassable hills. We attempted to effect a passage through some one of the many valleys whose water-courses ran directly through the hills in the desired direction, but in every instance we were led into deep, broken cañons, impassable even to horsemen.

Through one of these I made my way on foot, and from a high point near its mouth obtained a view of the plains outside. Retracing my steps, I placed the command in camp in a fine valley, in which it had halted, and devoted the remainder of the day to a further search for a practicable route through the hills. The result decided me to follow down a water-course, which led us first toward the south and afterward toward the east. This stream proved to be Elk Creek, the valley of which, as well as the stream itself, proved to be at least equal in beauty and extent to any passed through during our march. We camped twice on this stream, and as far as we proceeded down its course we had a most excellent road; but finding that, like nearly all other streams leaving the hills, its course would take us into a cañon which could be barely made practicable for our wagons, I searched for and discovered a narrower gap in the rocky wall which forms the northern boundary of the valley, and which was conveniently large to allow our wagons to pass through. A march of an hour up a gradual ascent, and through a pine forest, brought us to a beautiful park containing thousands of acres, and from which we obtained a fine view, in the distance, of our old acquaintance—the plains. Here we pitched our tents for the last time in the Black Hills; nearly every one being loath to leave a region which had been found so delightful in almost every respect. Behind us the grass and foliage were clothed in green of the freshness of May. In front of us, as we cast our eyes over the plains below, we saw nothing but a comparatively parched, dried surface, the sun-burnt pasturage of which offered a most uninviting prospect both to horse and rider, when remembering the rich abundance we were leaving behind us. A march of twenty-six miles, gradually bearing northward, brought us to the base of Bear Butte, at which point I concluded to remain one day before beginning our return march. I propose to return by a different, although, perhaps, not shorter, route than that adopted in coming to the Black Hills. I am induced to make this change in order to embrace a larger extent of unexplored country within the limits of our explorations, and particularly to enable us to locate as much as possible of that portion of the Little Missouri of which nothing is now known. I expect the expedition to reach Fort Lincoln on the 31st of August. The health of the command has been, and is, most excellent. This expedition entered the Black Hills from the west side, penetrated through the eastern and most southern ranges, explored the major portions of the interior, and passed out the most eastern ranges which form the boundary of the Black Hills. From the fact that in all our principal marches through the Black Hills we have taken, without serious obstacle, a heavily-laden train of over one hundred wagons, it may be inferred that the Black Hills do not constitute the impenetrable region heretofore represented.

In entering the Black Hills from any direction, the most serious, if not the only obstacles, were encountered at once, near the outer base. This probably accounts for the mystery which has so long existed regarding the character of the interior. Exploring parties have contented themselves with marching around the exterior base, and, from the forbidding aspect of the hills as viewed at a distance, inferred that an advance toward the interior would only encounter increased obstacles. In re-

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gard to the character of the country inclosed by the Black Hills, I can only repeat what I have stated in previous dispatches.

No portion of the United States can boast of a richer or better pasturage, purer water, the natural temperature of which in mid-summer, as it flows from the earth, is but twelve degrees above the freezing-point, and of greater advantages generally to the farmer or stock-raiser than are to be found in the Black Hills. Building-stone of the best quality is to be found in inexhaustible quantities. Wood for fuel and lumber sufficient for all time to come. Rains are frequent, with no evidence in the country of either drought or freshets. The season, perhaps, is too short and the nights too cool for corn, but I believe all other grain could be produced here in wonderful abundance. Wheat would particularly yield largely. There is no doubt as to the existence of various minerals throughout the hills, as this subject has received especial attention of experts who accompany the expedition, and will be reported upon in detail. I will only mention the fact that iron and plumbago have been found, and beds of gypsum of apparently inexhaustible extent.

I referred in a former dispatch to the discovery of gold. Subsequent examinations at numerous points confirm and strengthen the fact of the existence of gold in the Black Hills. On some of the water-courses almost every panful of earth produced gold in small, yet paying, quantities. Our brief halts and rapid marching prevented anything but a very hasty examination of the country in this respect; but in one place, and the only one within my knowledge where so great a depth was reached, a hole was dug eight (8) feet in depth. The miners report that they found gold among the roots of the grass, and, from that point to the lowest point ached, gold was found in paying quantities. It has not required an expert to find gold in the Black Hills, as men without former experience in mining have discovered it at an expense of but little time or labor. As an evidence of the rich pasturage to be found in this region, I can state the fact that my beef-herd, after marching upward of six hundred (600) miles, is in better condition than when I started, being now as fat as is consistent with marching condition. The same may be said of the mules of the wagon-train. The horses of the command are in good working-condition. I have never seen as many deer as in the Black Hills. Elk and bear have also been killed. We have had no collision with hostile Indians.

G. A. CUSTER,
Brevet Major-General, Commanding Expedition.

To ASSISTANT ADJUTANT-GENERAL,
Department of Dakota, Saint Paul.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Saint Paul, Minn., August 22, 1874.

Official copy respectfully forwarded to headquarters Military Division of the Missouri, for the information of the Lieutenant-General, commanding.

ALFRED H. TERRY,
Brigadier-General, U. S. A., Commanding.
By O. D. GREENE,
Assistant Adjutant-General.

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HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, August 25, 1874.

Respectfully forwarded for the information of the General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, August 27, 1874.

Respectfully forwarded to the Adjutant-General.
By command of General Sherman and in his absence:

JNO. M. BACON,
Colonel and Aid-de-Camp.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, February 25, 1875.

Official copies:

E. D. TOWNSEND,
Adjutant-General.

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LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

In compliance with a Senate resolution of January 15, 1874, *a history of the yellow-fever epidemic of* 1873.

MARCH 12, 1875.—Ordered to lie on the table and be printed.

TREASURY DEPARTMENT, *March* 8, 1875.

SIR: I have the honor to transmit, in accordance with a resolution of the Senate of the United States, adopted January 15, 1874, the accompanying history of the yellow-fever epidemic of 1873.

I am, sir, your obedient servant,

B. H. BRISTOW,
Secretary of the Treasury.

Vice-President HENRY WILSON,
President of the Senate.

TREASURY DEPARTMENT, OFFICE SUPERVISING SURGEON UNITED STATES MARINE-HOSPITAL SERVICE,
Washington, D. C., March 6, 1875.

SIR: The Secretary of the Treasury having instructed the supervising surgeon of the marine-hospital service, in accordance with a resolution of the United States Senate, to prepare, or cause to be prepared, a brief and succinct history of the yellow-fever epidemic of 1873, as it prevailed in the various ports of the United States, I beg to submit the accompanying report of Dr. Frank W. Reilly, surgeon marine-hospital service, the officer detailed to prepare the history called for in the Senate resolution.

I have the honor to be, sir, very respectfully,

JNO. M. WOODWORTH,
Supervising Surgeon.

Hon. B. H. BRISTOW,
Secretary of the Treasury.

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WASHINGTON, D. C., *March* 1, 1875.

SIR: On the 2d of April, 1874, I had the honor to receive from the office of the supervising surgeon the following detail and letter of instructions:

TREASURY DEPARTMENT,
Washington, D. C., March 31, 1874.

SIR: You are hereby detailed to prepare, in accordance with the accompanying resolution of the United States Senate, a report upon the yellow-fever epidemic of 1873 as it prevailed at the various ports of the United States.

As the language of the resolution directs this report to be made "with especial reference to details of prevention and hygiene," I beg to suggest as subjects which should receive a thorough investigation—

I. The question of quarantine in connection with the following facts and statements concerning said epidemic: that yellow fever found its way by land into New York City from ports at which quarantine was not enforced; but, owing "to the efficiency of the board of health," the disease was confined to the imported cases, (*vide* annual report supervising surgeon, 1873, pp. 112, 113;) that no new fatal cases occurred among citizens after the establishment of quarantine at Cairo, Ill., (*ibid.*, pp. 108, 109;) that, notwithstanding quarantine regulations at New Orleans, there continued to be "repeated new importations" of the disease during the yellow-fever season, and yet the disease "showed no disposition to spread," (*ibid.*, p. 103;) and that at Pensacola the introduction of the disease—the first case occuring August 2—is attributed to a vessel, the Golden Dream, which arrived from Havana June 10, and was quarantined twenty-four days, during which time it is to be presumed she was thoroughly disinfected.

II. The question of sanitation, in view of the substantial immunity of Mobile and New Orleans as compared with Memphis and Shreveport; and in this connection the testimony of the profession concerning the alleged prophylactic value of carbolic acid and other disinfectants.

You will, of course, consult with boards of health and the profession generally at these ports, and endeavor to secure as full an expression of opinion as is possible from those whose position and experience in the study and treatment of this disease entitle them to speak authoritatively on the subject.

Respectfully,

JOHN M. WOODWORTH,
Supervising Surgeon.

FRANK W. REILLY, M. D.,
Surgeon United States Marine-Hospital Service.

Approved.

WM. A. RICHARDSON,
Secretary of the Treasury.

The history of the epidemic, prepared in pursuance of the foregoing, is herewith submitted.

I have the honor to be, sir, your obedient servant,

FRANK W. REILLY,
Surgeon Marine-Hospital Service.

JOHN M. WOODWORTH,
Supervising Surgeon.

THE YELLOW-FEVER EPIDEMIC OF 1873.

The year 1873 was characterized in the United States by the conjoint occurrence of two diseases which are invested—by tradition, by a certain mystery which surrounds them, by the futility of medical skill in their presence—with a significance out of all proportion to the actual mortality which they occasion. Their advent is the signal for profound and wide-spread alarm; during their reign intercourse is suspended, commerce and industry stand paralyzed, grass grows in the market-places, and the public revenues shrink and dwindle. And yet the result of

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the simultaneous prevalence of yellow fever and cholera in the United States during the year 1873 was an aggregate mortality of about 8,000 in an aggregate mortality from all causes of over half a million.

From the 9th day of February, 1873, until the 21st of November of the same year, the dates of the first and last cases of the disease, there occurred 3,769 deaths from malignant or epidemic cholera. During the same period each year there occurred, in round numbers, 21,000 deaths from diarrhea, dysentery, and cholera infantum.

From the date of the first case, May 23, to the date of the last case, November 29, 1873, there occurred 3,349 deaths from specific or epidemic yellow fever. During the same period each year there occur from the group of malarial fevers an aggregate of 8,500 deaths.

The last preceding epidemic appearance of yellow fever was in 1867, and from its subsidence up to the close of 1872 there had been an aggregate of 970 deaths from this cause; but during the same period there had been an aggregate of over 50,000 deaths from the malarial fevers.

There had been no epidemic cholera in the country for the six years previous; but during that period the group of diseases most resembling it carried off not less than 125,000 persons. And, year by year, such more or less preventable diseases as small-pox, scarlet fever, typhus, enteric fever, and consumption, are the causes of a tolerably constant average of over 100,000 deaths per annum.*

It is not intended to urge from this that the comparative indifference to the causes of this greater and constant mortality, or the interest, the concern, the unreasoning fear, with which a rare access of cholera or an occasional visitation of yellow fever is always regarded is, in the one case, misplaced, or, in the other, groundless and inexplicable. Certainly not the latter, for it is the unusual which arouses attention, the mysterious which excites awe, the unknown before which reason abdicates. And precisely because the occurrence of these diseases is unusual; because their origin, nature, and progress are still largely veiled in mystery; because some of the most important laws which govern them are yet unknown—it is through these attributes that they inspire terror, throw communities into panic, give birth to commissions and conferences, reports and investigations, quarantine laws and unnumbered other fruitless, and not always harmless, offspring.

But such a comparison serves to point and emphasize the only lesson taught by the history of the late epidemic of yellow fever.

Absolutely nothing has been learned of the cause of the disease; the question of its autochthonous origin, or of its importation into the Gulf States from adjacent countries in the same latitude, and under the same climatic conditions, is still unsettled; specific modes of prevention and of limitation remain as vague and inept; medical opinion is as confused and conflicting, and medical skill as baffled as before. The questions propounded by the supervising surgeon in his annual report are yet unanswered: How far the carbolic disinfection may be accredited with the jugulation of the threatened epidemic at New Orleans and Mobile; to what extent thorough or defective sanitary measures affect the progress of the disease in the light of experiences of these cities as compared with Memphis and Shreveport; what is proper quarantine for yellow fever at various ports, and what is the true scope, function, and value of quarantine; can a quarantine be effective which does not

* These figures, except for yellow fever and cholera, are based upon the special tables of mortality in the vital statistics of the ninth census. They do not pretend to absolute accuracy, in fact are known to be under-statements, but are sufficiently correct for the illustration, and their source is readily accessible.

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embrace "commerce with foreign nations and among the several States," by land as well as by water? To none of these have satisfactory answers been returned; and in default thereof we are forced to turn to the same agencies for the prevention and control of this disease that we know are efficient, to a greater or less extent, in the control and limitation of the causes of that other immensely greater loss of life above shown. Such agencies are summed up in two words, "general sanitation," in which are included thorough cleanliness, efficient disinfection, pure air, unpolluted water, wholesome food, and individual hygiene.

HISTORY OF THE EPIDEMIC.

In the following brief history of the epidemic, the disease is followed step by step from its first appearance in the United States until its close, preserving the chronological rather than the geographical order, for the purpose of showing, if possible, the spread of the disease. To this, however, the port of New York may be made an exception, because, although the disease was repeatedly introduced both into the harbor and the city, fortunately it gained no foot-hold. This port may, therefore, be disposed of at the outset. There were in all sixty-two cases at quarantine removed from vessels arriving. The first occurred May 23. Seven other cases, the last a refugee from Memphis who died in ambulance on his way to hospital October 30, completing the total of sixty-nine cases, of which eighteen died. Of these latter cases one arrived by the steamer Yazoo, from New Orleans, at Philadelphia, May 29. Sickness had appeared on the ship May 27. The vessel was not quarantined. The patient, a waiter on the steamer, went to New York; arrived May 31, sick on his arrival; was taken to No. 7 Eldridge street, and died June 2. Three cases, of which two died, arrived on a schooner from New Orleans, and were treated by the marine-hospital service, as was also the last of this group of cases. The engineer of steamer Metropolis, who had been sick in New Orleans, disease not determined, arrived at New York September 22, entered hospital same day, and died on the 27th, of undoubted yellow fever, probably a relapse of the disease from which he suffered in New Orleans. Concerning the cases which reached New York despite the thorough and enlightened sanitary administration of the port, Surg. Heber Smith, of the marine-hospital service, remarks "that, so long as quarantine is a matter controlled by State caprice or fear, there is nothing to prevent the introduction of this or any other disease into a community, no matter how rigid or perfect the quarantine of such community may be made—and its present administration at New York is both. That yellow fever failed to become epidemic in New York the past season, that it is not epidemic every season, is due probably, first, to the want of favoring conditions in the season itself, and second, to the efficiency of its board of health; but certainly not to the want of a supply of fomites furnished by land from other ports."

On the 10th of June, 1873, the British merchant-ship Golden Dream arrived at the port of Pensacola, from Havana, and was placed in quarantine. This vessel had lost eleven men while in the port of Havana, three *in transitu* from thence hither, and her entire crew are said to have been shipped from a yellow-fever hospital. She had several convalescing cases on board when she arrived here; but no case is reported as occurring while she remained in quarantine, which was until 3d of July, a period of twenty-three days. When released she came to Commandancia-street wharf and discharged some coal; and it is also stated

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that some of her remaining ballast was deposited at the shore end of this wharf. She afterward dropped down for about half a mile below the city, and lay from five to six hundred yards off the shore, at the end of the Perdido Railroad wharf. At this point she was loaded and from thence went to sea on the 16th of August, and was lost on the 30th of the same month. The first reported case of yellow fever in the city was that of Mrs. Pfieffer, who died of black vomit on the 14th of August, and whose case was that evening reported to the mayor by the attending physician. Mrs. Pfieffer's residence was about 300 feet distant from the foot of the wharf at which the Golden Dream had landed her coal and left a part of her ballast. In a house two blocks northeast of the one occupied by Mrs. P., had died, on the 12th of August, a Mrs. Nasite, after an illness of seven days. This case was reported as "*pernicious fever.*" Mrs. N. had removed from New Orleans to Pensacola on the 22d of July, and she and Mrs. Pfieffer are said to have visited. Before either of the above cases, viz, on the 5th of August, a sailor died on the Golden Dream. He was from the revenue-cutter Petrel; had been on board the former vessel eight days, and was taken sick on the 2d of August. At the request of the captain, an inquest was held on board, and, after an examination by the attending physician, a verdict of "death from intemperance and exposure" was rendered; but some of the crew subsequently stated that the man had thrown up black vomit.

On the 18th of August the second acknowledged case occurred, in the person of the Rev. Mr. Lundy, who resided on the hill in the extreme northeastern portion of the city. On the day mentioned, he died of black vomit, and probably contracted the disease in the course of his missionary labors among the seamen in the lower part of the city. On the 18th of the same month I was called in by Dr. F. N. Blount, to see a suspicious case at the marine hospital. This man, Oxel Anderson, had entered the hospital on the 14th. I found him with constant hiccough, which, Dr. Blount informed me, he had had for the three days previous, and, though naturally of fair complexion, his whole person was yellow. These symptoms were accompanied by a quite frequent spitting, or rather ejection, of blood from the mouth. I pronounced this a case of yellow fever, and recommended that the cot, together with its occupant, should immediately be removed to a separate ward, and a certain course of treatment adopted. This advice was promptly acted upon, and resulted in the subjugation of the hemorrhage and hiccough and the recovery of the patient. This man was the first case treated at the marine hospital; though three days after the admittance of Oxel, another Anderson had entered the building, viz, on the afternoon of the 17th, and had died during the following night. I did not see him, as the coffin had been closed before I entered the hospital on the 18th. From this date until the night of the 27th there were from one to three cases a day in the city and vicinity. On that night a fire occurred on the northeast corner of Palafox street, opposite the custom-house, by which several stores were destroyed. The majority of citizens were drawn at midnight from their homes by this exciting event, and, as was generally predicted, the spreading of the disease was from that period rapid and extensive.

On the 17th of August the first case occurred in Montgomery, Ala., in the persons of Mr. D. H. Cram and Mollie Jackson, parties recently from this city, the former having left here on the 14th and the latter on the 9th of that month. Mr. Cram's office was within a few yards of Mrs. Pfieffer's residence, and he left for Montgomery just after her death.

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The house in which Mollie Jackson had lived was in the same block as the one in which the two Andersons had boarded, and her place was frequented by such characters. She, however, left the city five days before the death of the first reported case of fever, but not, it is now believed, before its existence. It is evident from the above that Mollie Jackson did not contract the disease from the marine hospital, as would be inferred from Dr. R. F. Michel's pamphlet on "Epidemic yellow fever in Montgomery, Ala., during the summer of 1873;" but, on the contrary, that after her departure it was introduced from the city into the hospital by her associates. From the 14th until the end of the month there was a rush from the city into the country and to the villages along the line of the railroad up to the junction, distant forty-four miles. At the latter place the first case was the wife of the conductor of the passenger-train, a lady who left town on the first alarm. From this source the disease spread at the junction rapidly, as those who nursed or visited her were next attacked.

A. M. Hilliard, who was in the city on the 31st of August, was taken with the fever on the 9th of September, at Bluff Springs, thirty-nine miles distant, and also on the line of the railroad, as in the case at the junction. The attendants and the other occupants of the house, with two exceptions, were the next sufferers. By them it was communicated to others, and thus spread. On the 22d of September, a young gentleman, who had been an almost daily visitor to the city, was taken ill at Oakfield, six miles off on the line of the railroad. Of the six other cases which afterward occurred there, four had not been in the city.

At the post hospital, Fort Barrancas, yellow fever first made its appearance on the 23d September, and the surgeon in charge, Dr. Sternberg, U. S. A., in a letter to me, attributes its introduction to a barrel of potatoes brought over by the steamer Amite from New Orleans, and landed and taken to the hospital August 15, and there opened and spread on the floor of the store-room. It is possible, however, that one of the first cases, a man named King, who had been on a drunken spree in the adjacent village of Warrington, may have come to Pensacola, or else been in the huts of negroes from here, and thus contracted and introduced the disease. From this time there were sporadic cases in the country and on the bay. The patients were persons who had visited the city, or received articles from it, or held some communication with it.

The first yellow-fever death was reported in Pensacola on the 14th of August, and the last on the 19th of November. The list numbers sixty-one; but it is highly probable that eight or nine other deaths, imputed to various causes, including those of the seaman on the Golden Dream, August 5, and Mrs. Nasite, August 14, were due to yellow fever.

In Montgomery, Ala., the first cases were reported on the 17th of August; the first death on the 27th of that month, and the last on the 10th of November. The total number of yellow-fever deaths, given in the board of health report, is eighty; but Dr. Michel thinks there were at least one hundred deaths, and gives the names of twenty-two others who were, he considers, its victims, and he estimates the total number of cases at five hundred. At the junction there are said to have been twenty-two cases, almost the whole settlement, and the mortality was fourteen.

At Bluff Springs, a place of about two hundred inhabitants, there were nine deaths; and at Oakfield, of seven cases, six had professional aid and recovered. The one that proved fatal had no medical attendance.

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The above is a mere history of the epidemic as it occurred. It may now be interesting to consider other facts connected therewith.

Immediately on the breaking out of the fever in Pensacola, a rigid quarantine was established, by the military and naval authorities, of Fort Barrancas, the navy-yard, and the villages of Warrington and Woolsey. A similar one was also maintained by the civil authorities of Millview, a village eight miles distant, built at the terminus of the Perdido Railroad. With the exception of Barrancas, where the fever manifested itself on the 23d of September, all of the above-mentioned places escaped. The troops of Barrancas were, with the exception of about a dozen, instantly removed to Fort Pickens, on Santa Rosa Island, and not a case occurred among them. This corroborates the testimony of the medical officer at the navy-yard during the epidemic of 1867, in which he says: "While the fever was raging at the navy-yard and in the vicinity the troops were removed from Barrancas to Pickens, the latter in full view, and only a mile distant; but, the men being completely isolated, not a case occurred there."

In this connection it will be well to mention some facts which appear to prove the infectious and portable nature of the disease, and that it can be communicated or introduced by clothing. On the 15th of November I was called in to see a young lady suffering from a violent attack of yellow fever. She had come in from the country about a week previous to that date, and two quite heavy frosts had occurred seven or eight days before she came to town. After reaching here she had assisted at the opening of a trunk containing the clothing of a man who had died of a very malignant attack of fever at an early period of the epidemic. Hers was the last death; it occurred during cold weather, on the 19th of November. A similar case has been related to me by Mrs. C. L. Le Baron, of this city, concerning the epidemic of 1822. Her father, Mr. Fitzsimmons, of Claiborne, Ala., hearing of the death of his brother at Pensacola, came here by private conveyance—at that time the only mode of transportation—and proceeded to administer on his estate. Among the effects was a trunk of clothes, said not to have been worn; but upon opening it, some articles the deceased had had on when the fatal illness seized him were found in it, and, although two heavy frosts had occurred before Mr. Fitzsimmons's arrival, he contracted the fever and died, after an illness of four days; and from him the disease broke out afresh. A still more remarkable instance of the length of time the disease may lie dormant, is one which was given me by the late Dr. John I. Hulse. It is, that during the yellow-fever epidemic in 1853 a young man died in the town of Milton, thirty miles above our city, and that two years later his trunk, which in the mean time had been in a warehouse, and covered with old sails and sacks, was removed from Milton to Bristol, a small place forty-five miles distant, and was opened in a house there; soon after five or six of the inmates sickened, and some of them died of black vomit. I told this to Dr. Harvey Brown, U. S. A., as vouched for by Dr. Hulse, and he has mentioned it in his work on quarantine. For further evidence as to the infectious nature of clothing, bedding, &c., used by yellow-fever cases, see report of Surgeon J. F. Hammond, U. S. A., to the Surgeon-General in 1854, on the yellow fever at Barrancas in the summer of 1853, and the circumstance of the mattress thrown overboard from the United States steamer Vixen, and picked up and used by a negro man, who shortly afterward died of black vomit, and the subsequent spreading of the disease from the negro quarters in which this took place. (Medical Statistics, U. S. A., 1839 to 1854.) I refer to the above-mentioned facts

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in consequence of their having been demonstrated in this vicinage. From the first yellow-fever epidemic at this place to that of 1873, we have, on each occasion, direct evidence of its introduction by an infected ship.

From the time the United States obtained possession of Florida to the present date, yellow fever appears five times to have assumed an epidemic form in this port; and during that period it has also several times been brought here, but failed to spread. I shall first enumerate the former cases. In 1822 it was imported by a schooner, sailing from the north to Cuba and from there to Pensacola, with a cargo of spoiled codfish, which was discharged at the wharf, hauled through the town, and thrown out on a common. The first case and victim was Madam Del Barco, who lived just opposite.

In 1853 it was introduced by the United States steamer Virgin, (see Dr. Hammond's report, referred to above;) in 1863, by United States store-ship Relief, (see account by Surgeon B. F. Gibbs, U. S. N., in the American Journal of Medical Science for 1866;) in 1867, by the ship Fair Wind and the schooner Texana, the former from Jamaica and the latter from New Orleans; and finally, in 1873, by the British ship Golden Dream, from Havana. I was in the last two epidemics as a practitioner, and in the one at the navy-yard, in 1853, as a boy. With regard to the instances when it was introduced here, but did not become pandemic, the most marked appears to be that of the French steam-frigate Gomer, in the summer of 1843. Surgeon S. P. Moore, U. S. A., writing from Fort Brown, Texas, in 1853, to the Surgeon-General, says, page 356, Medical Statistics U. S. A.:

> The question of contagion is a very important one, and has occupied the attention of physicians and philanthropists for a long period without definitely settling it. There can be no hesitation in giving a decided opinion that it is not. The disease is of domestic origin. The arguments for contagion are opposed by facts; these are well known, and need not be stated. I may mention one instance: In 1842 or 1843, while stationed at Barrancas, Fla., the French steam-frigate Gomer arrived in the harbor of Pensacola from a West India cruise, with the yellow fever on board. Permission was granted to the surgeon of the ship to occupy one end of the naval hospital. All the sick and convalescent were transferred to the hospital, and the other cases as they occurred on shipboard. The disease went through the ship's crew, yet not a single case appeared on land, although the hospital contained many patients from the home squadron. Our troops were encamped within 100 yards of these sick, and the inhabitants of the Barrancas living within striking distance. No effort was made to establish a system of quarantine with the sick or the ship. Frequent communication took place between the sailors and the landsmen.

I have given this extract because it relates to this port, and also in order to correct some errors which, from the lapse of time, Dr. Moore has fallen into. In the first place he is undecided as to date. The Gomer was here, with the fever on board, in 1843. And secondly he states that the sick from that frigate were put in one end of the naval hospital. Evidence here shows that they were lodged in a building on the same grounds as the naval hospital, but 150 feet northwest of it, and were attended solely by their own physician from the frigate. They were landed by the boats of the Gomer at the hospital wharf, and taken up the road on the east side of the hospital grounds, and in at the north gate, directly to the quarters assigned them. At that time, moreover, a dense woods of over half a mile in length separated the hospital from the navy-yard, and a similar grove a quarter of a mile in length intervened between the above-mentioned road and the Barrancas. The army commandant's quarters, which were about one hundred and fifty yards from the Gomer's yellow-fever hospital, was the nearest place to it. The encampment is laid down as being where the present barracks flag-staff stands, which placed the troops nearly three hundred yards off;

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besides, the hospital was surrounded by a fence 10 or 12 feet in height, and no one was permitted to enter or leave the inclosure except on business. Even until 1850 the woods and undergrowth were so dense that a person standing by the hospital-wall on the west side, next the Barrancas, could not see the army buildings; and on that side there was no outlet except a small gate leading to the surgeon's quarters, through which none but officers and visitors to the surgeon's family passed. The present road in front of the hospital did not exist in the year 1843, but was cut out in 1850 by order of my father, the civil engineer-in-chief of the navy-yard; and prior to the last-mentioned year the road from the yard was from the north instead of the west gate, as it is now, and wound to the north gate of the hospital through woods so dense that objects one hundred yards off were indiscernible, and one came on the Barrancas suddenly and without being aware of its vicinity. Without emphasizing the fact that the citizens and troops at Barrancas spoke a different language from that of the yellow-fever patients, they could not possibly have had any communication with those men, since a permit from Dr. Isaac Hulse, U. S. N., was required in order to enter or leave the inclosure. Besides, Dr. Moore does not state that he ever entered the grounds or visited the sick men. The residence of Dr. Hulse was within the inclosure and 200 feet from the yellow-fever quarters. His family and servants were natives of Pensacola, and this officer, in answering a letter addressed to him on the 9th of November, 1847, by "Monsieur Dubrueil, commandant-en-chef de le subdivision navale française, en station dans la Golfe du Mexique," thanking him for his treatment of French seamen from 1841 to that date, while admitting that he rendered medical service to the sick of two other vessels, viz, the Sabine and Dunois, expressly says it is a mistake that he attended those of the Gomer. His exact words are as follows: "Hôpital maritime des États-Unis à Pensacola, le 11 decembre, 1847. On s'est trompé en supposant que je traitai les malades de la frégate à vapeur le Gomer; mais il est vrai que je traitai ceux de la Sabine et du Dunois." Supposing Dr. Moore to be correct, and that the patients from the Gomer were put in one end of the naval hospital, that wing being the one nearest to the quarters of Surg. Isaac Hulse and to the Barrancas, but at the same distance from the latter, as the building which, according to the records, was assigned these men, it must be remembered that Dr. Hulse and his household were acclimated. With regard to the Army officers, it seems unlikely that they visited the place, being aware, as they were, of the presence of the disease. One wing of the naval hospital was isolated from the other, there being over 100 feet between them, which was filled up by a wide hall and a number of rooms; hence there must have been little, if any, intercourse between French and American sailors. Besides, when I was a student of medicine under Surg. G. B. B. Horner, U. S. N., in charge of that hospital in 1859, the men were not allowed to pass from one end to the other. Mrs. Hulse, widow of Surg. Isaac Hulse, assures me that during the prevalence of the disease no one but her husband was permitted to visit the navy-yard, and he only when business necessitated it. With regard to Dr. Moore's statement that no effort was made to establish a quarantine, his memory is either at fault or he is only referring to an Army one. I inclose you a copy of proceedings in this city:

CITY OF PENSACOLA, *Alderman's Office.*

Whereas it has been represented to the mayor and board of aldermen that since their last meeting, which was called by his honor, the mayor, to take into consideration what steps would be necessary to be taken to prevent the introduction of the yellow fever

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into the city, it having been communicated to his honor that some cases had occurred on board of the French steam-frigate Gomer, now lying at anchor in the bay; and whereas it has been reported by the health-officer that the number of cases have increased: Be it, therefore,

Resolved, That his honor the mayor cause the said steam-frigate to be removed from her present station as near to the land on the opposite side of the bay as can be done with safety to her.

Be it further resolved, That none of the officers or men, nor any article of clothing or anything else belonging to said frigate be landed, nor shall any of their dead be buried within the limits of the city, until the further order of the mayor and aldermen of said city.

FCO. MORENO,
President pro tempore.

Passed August 12, 1843.
Approved August 12, 1843.

C. EVANS, *Mayor.*

MAYORALTY OF PENSACOLA, *August* 13, 1843.

SIR: In consequence of the sickness on board of His Majesty's steam-frigate Gomer having assumed a different aspect to that which was reasonably expected when I communicated with Commodore Regnard on the 9th instant, the city authorities, at the earnest solicitation of the citizens, have deemed it prudent to establish a rigid quarantine from and after this date. So much of their resolutions and acts as relate to the said steam-frigate Gomer are herewith annexed. A strict compliance therewith is expected, without any unnecessary delay. All vessels arriving in future will be subjected to the same restrictions and regulations. You will be pleased to communicate this, together with the inclosed resolutions, to Commodore Regnard forthwith.

With sentiments of esteem, I have the honor to be, sir, very respectfully, your obedient servant,

C. EVANS, *Mayor.*

JOHN INNERARITY, Esq.,
His Majesty's Vice-Consul.

From the above it will be seen that Pensacola, at least, established and enforced a quarantine. The papers from which the above copies were made were recently given me by Mrs. Hulse, widow of Dr. H., and daughter of the above addressed French vice-consul, Mr. Innerarity. Mrs. Hulse, besides, tells me that, during the sickness a vessel from New Orleans came over with ladies and gentlemen, friends of the officers of the Gomer, on a visit to that ship, and that the party were not permitted to land, but were made to return as they had come. With respect to the military and naval reserves, if no formal quarantine was established, it is reasonable to infer that the numerous difficulties surrounding any wish on the part of the inhabitants to cultivate the acquaintance of the sick of the Gomer may have proved a most effectual quarantine. Difference of language, a full knowledge of the presence of a malignant disease, coupled with the fact that the Frenchmen were in a building 200 feet at its nearest point from the high fence which surrounded it, and that the gates of the latter were guarded night and day by vigilant watchmen, would prevent, in most cases, if not in all, any attempts at intimacy. I, for my part, consider these yellow-fever patients to have been almost as completely isolated as it was possible for them to be, and that no one but the attendants was in any danger of contracting the disease, and as these, from my information of the hospital arrangements during Dr. Hulse's administration, must have been creole negroes from this city, a class generally exempt from yellow fever, the chances of its becoming epidemic seem to me to have been limited to a mere possibility.

I have given the above facts, obtained from Dr. Hulse's papers and other reliable sources, not from a desire to controvert or refute the opinion of Dr. Moore, but because, in the interest of humanity, I deem it important to show that, in the instance to which he alludes, and which seems to have strengthened a preconceived idea, important facts, from

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lapse of time, have escaped his memory, or else that, his mind being made up on the subject, he failed to notice any but the one, which he considered "confirmation strong as proof of Holy Writ" of his conception that yellow fever was not contagious or infectious. The latter is what I considered it. From the evidence produced, it seems sufficiently well established that there was no way, except the winds, of disseminating the disease among the troops at the Barrancas, and by reference to the accompanying map of the harbor, taken from United States Coast Survey Charts and Land-Office maps, it will be seen that the building specified by me as the "French Yellow-Fever Hospital," otherwise known as ward No. 3, is there laid down by the coast-surveyors. Now, by noting the direction of the winds which prevail here at that season, it will be seen that they are from the south and southwest, with an occasional norther late in the season, and that these winds would blow directly from or over the quarters of the naval surgeon, or the reverse, and not in the direction of the troops, who were further protected by the belt of thick woods mentioned before, and which, even in 1853, the fever did not cross until taken there from Warrington by a drunken soldier. (See report of Surg. J. F. Hammond, U. S. A., already alluded to, and also that of Surg. B. F. Gibbs, U. S. N., for account of exemption of the same place during the epidemic of 1863.) Dr. G. states there were a double line of pickets and absolute quarantine between the navy-yard and the Barrancas, and that at the latter only two mild cases, late in the season, were reported. That there were any persons affected, I consider as proof that the quarantine was not so absolute as supposed, and, from my knowledge of the grounds as they then were and are now arranged, I regard it as almost impossible to enforce an absolute one, and that the only true way to accomplish it is the method of complete isolation, adopted by General Seymour in 1867 and by General Brannan in 1873, which was to remove the troops to Fort Pickens, on Santa Rosa Island. On both occasions this prompt action was attended by a fortunate result, and may be received as proof that the disease is not of domestic origin; otherwise, considering the topography of the two places, pestilence, it must be admitted, would be far more likely to generate at Pickens than at Barrancas. (See also the report of one of the assistant surgeons stationed at the Pensacola navy-yard in 1867, published in the Medical and Surgical Reporter, of Philadelphia, for March 14, 1868, in which mention is made of the yellow fever having in the first-named year extended to this "dense belt of woods, one-fourth of a mile through.") I also desire to call attention to the report, before quoted from, of Surg. S. P. Moore, from Fort Brown, Texas, in 1853. In regard to the fever there in that year, he says:

In the first part of the month, and before the appearance of the epidemic in town, a good deal of fever existed among the crew of the steamer Comanche, undergoing repairs at the mouth of the Rio Grande. This fever was called the dengue. Some deaths occurred. I do not know what physician attended these cases. No river communication existed between the steamer and the town; some two or three well persons came up to town by land.

The town here referred to, and adjoining the fort, is Brownsville, and Dr. M. says the first case occurred in the town (to which before its appearance there the well persons had come) on the 23d of August, and before there was any at the fort. Does this not seem to point to the steamer Comanche as the source? Attention is likewise called to report, in same work, page 323, of Asst. Surg. R. F. Simpson, U. S. A., Key West Barracks, concerning the yellow fever there. He writes:

In August, 1853, two soldiers were sent to this garrison from Fort Brooke, Tampa.

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One died of yellow fever shortly after his arrival, and the other died of the same disease in September. The first case that I can hear of in town was a young lady, who came from Tallahassee; she died in November, 1853, and from that time till April, 1854, there were a few cases and some deaths. From April to August the disease became general.

Drs. Moore and Simpson both express belief in the domestic or local origin of the disease; and I have quoted from their reports, because I think they contain sufficiently strong evidence of the means by which it was imported. Again, by reference to same authority, viz, Medical Statistics, U. S. A., 1839 to 1854, it will be found, on turning to page 335, that yellow fever was prevailing at Fort Brooke when the two soldiers left there for Key West Barracks, and it was also prevailing in Tallahassee in the summer of 1853.

In conclusion, I will state that my ideas in regard to the nature and origin of yellow fever have been so well expressed by Surg. George M. Sternberg, U. S. A., in his article in the American Journal of the Medical Sciences (Hays) for April, 1873, page 399, that I will simply copy them:

1st. The yellow-fever poison is not an emanation from the persons of those sick with the disease.

I must interrupt the quotation at this point to observe that while this hypothesis may possibly be correct, I am not prepared to assert it as a fact, but in all of the following opinions I fully concur. And now to resume:

2d. It is not generated by atmospheric or telluric influences. A certain elevation of temperature is, however, necessary for its multiplication, and its rapid increase is promoted by a moist atmosphere, and probably by the presence of decomposing organic matter.

3d. The poison is portable in ships, goods, clothing, &c., and a minute quantity is capable of giving rise to an extensive epidemic.

4th. Exposure to a temperature of 32° Fahrenheit completely destroys it.

5th. It may remain for an unknown length of time in a quiescent state, when not subjected to a freezing temperature or exposed to the condition necessary to its multiplication, and may again become active and increase indefinitely when those conditions prevail.

6th. While liability to the disease and its severity when contracted depend, to a certain extent, upon age, sex, temperament, previous habits, and acclimation, they also depend to a great extent upon the degree of concentration of the poison; that is to say, the larger the dose, the greater the possibility of an attack, and the greater its severity.

In coinciding with this statement, I wish it understood that I have only reference to the disease as it occurs in the United States. I was under the impression that it originated in New Orleans, until the contrary was proved, during the occupancy of that city, by the United States troops during the late war. There is, I think, indubitable evidence to prove that yellow fever is a native of the tropic, and that its importation into the United States could be prevented by a strict quarantine; that is, total isolation. That such a system of isolation is effectual has, I think, been sufficiently illustrated by instances quoted in this article, and is, besides, abundantly proved by hundreds of others, recorded in the histories of the various yellow-fever epidemics in this country. In order to insure an effectual quarantine, the surgeon in charge should be an officer of the Army, Navy, or marine-hospital service, the institution a Government one, and the occupant entirely removed from all political or local influences. To exemplify this, and for no other object than the public good, I will mention an occurrence of last year. On that occasion the contract for carrying provisions to the quarantine station was given to one of the chief stevedores here, and he and all of his family were among the first who had the fever. The appointment of this person, living in the town, was opposed by the quarantine doctor;

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but he was overruled, and such influence brought to bear as secured the applicant's appointment. The same stevedore is this year an alderman, and, having less cause for personal dread of the fever, there is reason to fear that he may again aid in its introduction. I was, last year, twice offered the position of quarantine physician, but on both occasions declined. It is by no means an enviable position, as the doctor has to contend with interested merchants, ship-owners, and others, and, no matter what efforts he makes, he is always pronounced wrong.

It may be further remarked that the pay should be sufficiently liberal to command the services of efficient, competent, and incorruptible medical officers, and to make them independent of local influences.

In enumerating the yellow-fever epidemics in this section, I have omitted to mention a pestilence which prevailed in 1846, at the navy-yard and at Barrancas, because, though generally spoken of here as yellow fever, such was not the verdict of Surg. Isaac Hulse, U. S. N., president of a board of physicians convened to investigate and report the nature of said fever, and composed of the following officers: Surgeons Terrill and Spencer, U. S. N., and Surgeon Stinneck, with Assistant Surgeons Abadie and Steiner, of the United States Army. The board convened at the United States naval hospital near Barrancas, in compliance with an order, dated September 28, 1846, from the Navy Department. The report was sent in on the 13th of November, and the board was dissolved by an order from Secretary Mason, December 2, same year. I have not been able to find this report; but it must be in the Naval Bureau. Dr. Hulse's notes, in the rough, apparently made for the benefit of the board, are, however, in my possession. In them he says the disease was not yellow fever, and ably argues the case, stating the difference of symptoms, and dwelling particularly on the fact that quinine was the only thing that could be relied on to check or control the disease, and that it had no such effects in yellow fever. Dr. Hulse had a high reputation in the service, and at this place, for skillful treatment of yellow fever, and I agree perfectly with him in regard to the use of quinine in the latter disease. I have never seen any benefit arise from it, except as a tonic sometimes, when the patient was convalescing. The report of Dr. Abadie, U. S. A., in the Medical Statistics, U. S. A., from 1839 to 1854, page 335, exactly agrees with that of Dr. Hulse, as he simply calls it "A fever which prevailed at Barrancas Barracks in the summer of 1846," and it is not classed in that work as yellow fever. There is also a tradition here that the board reported that pestilence as a "mongrel fever, and not yellow fever." This testimony, I think, justifies its omission from the list. That sporadic cases of yellow fever have occurred here in the intervals of the various epidemics is well known, but most if not all these cases can be traced as having come off of vessels or from infected places. I thoroughly believe that infected articles which have not been exposed to a freezing temperature can convey the disease from one season to another.

I consider the most reliable method of disinfecting a ship is to batten down her hatches and reduce the temperature of her hold to 30° Fahrenheit, and to keep her in that condition for four or five days, so that the bilge-water may remain frozen for that length of time. No further danger need after that be apprehended, and any subsequent appearance of fever on board must arise from fresh exposure to its influences.

We do not find that vessels remaining here all summer, no matter how dirty they may be, ever generate yellow fever. This only occurs with ships from latitudes below the region of frosts, and where this dis-

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ease prevails for nearly the entire year. With respect to the circumstances usually considered favorable to the propagation of yellow fever, I must say that last year presented, in my opinion, no remarkable variations from its predecessors. The average range of the thermometer, (in the shade,) as kept in this city, was just 80° for the summer, while in 1822 it was 82°.75, and in 1853 it was 80°.76, and the fall of rain for the latter year immensely less than for the preceding and succeeding ones. It was, in fact, a dry summer, the first copious rain being in September. (See "Medical Statistics United States Army, 1839 to 1854"—for temperatures, page 531, and for rain-fall, page 572.) It will be seen, on consulting these temperatures, that yellow fever prevailed in 1822, when the temperature was within one-half a degree of the highest recorded range, and last year at the lowest, and that from the warmest summer to the coolest the difference was only 3°.25, and the greatest difference between the epidemics, 2°.75. It has prevailed between these extremes, and may do so any summer, if introduced, as it is apparent from the above that the surroundings do not differ very materially, and that the fever has been epidemic when the weather was hot, when cool, when damp, and when comparatively dry; hence it seems conclusive that there are sufficient heat and moisture in all those temperatures to propagate the disease if the germ be supplied. It prevailed at Key West as an epidemic in 1854 as early as April, with the temperature 73°.89, (see "Report of Dr. Simpson, United States Army, Medical Statistics," &c.,) and at the Pensacola navy-yard August, 1867, with the average for August of 83°.9. It will hence be seen that the difference of temperature between the outbreak of the fever at Key West in 1854 and those at the navy-yard in 1863 (see Surgeon Gibbs's) and 1867 (Medical and Surgical Reports) was 10° on the days of its first manifestation at each place. This accounts for the opposite conclusions reached on this subject, and shows why some contend that a high range of temperature is required for an epidemic, while others assert a medium or low one is most favorable and necessary to it. Each argues from his own limited experience, and some are so positive and dictatorial in the maintenance of their own opinions as to permit the introduction of the disease into a place, or to deny its existence when really there, if the temperature or atmosphere does not support their peculiar views, and a pet theory is thereby in danger of being spoiled. Facts are preferable to theories, and are, moreover, too stubborn to brook control. (See the cases of congestion and of pernicious fever reported in the beginning of nearly, if not all, epidemics, and then the change after a case of black vomit, and the acknowledgment that some of the former cases were yellow fever.) Yet if similar ones in every respect have occurred a month previous, they are not acknowledged as such.

If yellow fever gain access to three or four houses in the city, the surrounding circumstances are, I consider, sufficiently favorable any summer to cause its dissemination, and that the instances frequently quoted here to prove the contrary are confined to individuals admitted to the marine or other hospitals during the course of the different summers: and when there was no case in the town—I am speaking now entirely of this place—I have yet to learn of a single instance in which the yellow fever was introduced into Pensacola or any of the villages of this harbor from any of the hospitals, although patients suffering from that disease have been received therein and treated nearly every season. Last year the fever had broken out in the town some time previous to its introduction into the marine hospital, and quite a number of the first

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cases had been on board the infected ship, and thus brought it into the city. The same was the case in 1853, and also in 1867. Parties off of vessels were taken to private residences. And, once more, let it be noted that in 1853 the troops at Barrancas did not contract the fever from the naval hospital, which was within 300 yards of them, and crowded with yellow-fever patients, but from a drunken soldier. (See report, already quoted, of Dr. J. F. Hammond, U. S. A.)

The city of Pensacola is situated on the north side of Pensacola Bay, nine miles from the entrance, in latitude 30° 24′ 36″ north, longitude 87° 13′ west, and with a gradual slope of from 5 or 8 feet at the shore to 20 feet a quarter of a mile back, where there are several hills which rise suddenly to a height of from 35 to 40 feet. For the first three blocks the average height of the town is from 8 to 10 feet above tide-water, and for the next three there are spring-branches and swampy ground, covered for about two-thirds of the surface with dogwood, bay, tie-tie, and various thick undergrowth. This is partially ditched and drained, but is so boggy during almost the entire year that plank walks have been laid in order to permit pedestrians to cross it, and the roads for vehicles have been ditched and covered with ballast to render them passable. Immediately above this, and six blocks from the water's edge, the ground, which is a dry, sandy ridge, is several feet higher; and here, for the next three or four blocks back, are to be found the residences of the majority of the more affluent citizens. Some of this class, however, have their homes in the swampy section, or in the business portion of the town. This latter comprises the first three blocks, to which the original city of Pensacola was limited in the old Spanish and English times. The outskirts of the swamps and the lower portions of the city are, for the most part, occupied by sailors' and stevedores' boarding-houses, drinking-saloons, negro-huts, and dens of all sorts. This condition of affairs is not, however, of recent origin, and was no worse last year than at any other time; besides, the epidemic did not break out in these places, but in houses remarkable for cleanliness, but whose inmates had been exposed to the infection and were most susceptible to its influence. The fever, however, became very general before the end of the season. The water-side dens had less of it than elsewhere. I consider it probable, however, that most of their inmates had had it in some previous epidemic; for strangers, sailors, and others living there were usually attacked. The swampy part of the city, which has been already described, is built on to quite a limited extent. It was in as good a condition last year as in any previous one, and it could have had nothing to do with the epidemic, since the first cases were below and one above its limits, and persons residing there were not more liable to be attacked than were those who lived in other portions of the city.

In regard to treatment, I have very little to add to what has been already written; but as I have been quite successful in the last two epidemics, it may cause some slight desire to know the mode adopted. It is the simplest: When the patient is seen in the first stage during the fever, (in the first twelve hours, if possible,) I resort to a hot mustard bath, either a full bath or only to the knees, according to circumstances. The patient is then put in bed and well wrapped or covered with blankets, and supplied with ice-water and permitted to drink it *ad libitum*. If there be any irritability of the stomach, a mustard-plaster about the size of the palm of the hand is applied to the cardiac portion of the stomach, and, as it becomes uncomfortable, moved to another place, and so on around that organ, thus keeping up the action for an indefinite length of time. When the stomach is not too irritable, castor-oil or the *oleum ri-*

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cini, capsules are given by the mouth; otherwise an enema of *oleum ricini*, ℥ij; *oleum terebinthinæ* gttæ xx; *vitel. unius ovi; aqua ferr.* Oj, to be used and repeated until the actions are free. I generally find, however, that the *oleum ricini* is well borne by the stomach, and when the dose is large acts efficiently. If there be suppression of urine, a cloth (flannel is preferable) well soaked with *oleum terebinthinæ* is applied over the region of the kidneys; this application is repeated until the flow of urine is copious. It is usually brought on by this means in two or three hours, if not soonr. The hot bath is repeated, if at any time the perspiration becomes checked; so also are the mustard-plasters, if required for irritability of the stomach, or to act as revulsives or counter-irritants. The doors and windows are to be kept closed, and all draughts are to be avoided, and sudden changes of temperature are to be guarded against, as I believe, with Surgeon Gibbs, U. S. N., that a sudden change of temperature—he says of 5 degrees, I think of 8 or 10—will prove fatal. Draughts produce equally serious results when the patient is sweating profusely. When there is only one sick person in a room, I consider ample ventilation is afforded by the cracks of the doors and windows, and when there is one in the room, by the fire-place; and I believe that that word "ventilation" has, in this disease, killed more persons than anything else, as all here understand it to mean that doors and windows are to be kept open, or partly so, day or night, south wind or northers. The patient is seen at one time sweating profusely and much improved, and the next, after these "ventilations," with a dry skin, delirious, trying to get up, or complaining bitterly of a return of the pains and aches, with a suppression of urine, or else comatose and in a state of congestion. I give, as before stated, ice-water, as cold as it can be made, and without stint, or small pieces of ice, as frequenely as desired—that is, after the hot bath. It causes the perspiration to flow freely, besides producing it in much less time than when hot drinks are resorted to. It is, moreover, infinitely more grateful to the patient, and is a much more rational mode of treating and subduing inflammation, in which state the stomach is known to be. It is also well known to be acceptable in all fevers, and to have a tendency to alleviate them; it likewise soothes the irritability of the stomach and has a tendency to check hemorrhage and vomiting, while warm drinks frequently sicken, produce vomiting and are not agreeable to the patient, and, I am confident, are the almost invariable cause of the patient's attempting to rise and go out in the air. What does he almost invariably attempt to do under this treatment? To rise and rush to the water-pitcher or ice, if there is any in the house; or, if he be delirious, he seeks to reach the bay or any other water that can be found. I have never had a patient to get out of bed or attempt it, since, after the second case, in 1867, I adopted this treatment, and they do not become delirious. Though they complain bitterly of lying so long in bed, and ask to have their clothing changed, I never allowed it till the eighth day, and then it must be done carefully, with all the doors closed, and the fresh clothing must be well dried. I permit them to turn freely in the bed, provided the covering is kept on and the perspiration is kept freely flowing, which is usually the case when the patient is well wrapped up and supplied with ice-water. The patient is given no food while the fever is on, and, in fact, seldom has any inclination for it. Ice-water suffices, and afterward, a little lemonade, mint-water, or claret sangaree, all of them iced, are agreeable; or else a little tea and soda-cracker may be given. I give the latter because it is light and so dry that they will seldom eat much of it. On the fourth or fifth day, light chicken soup may be given, and by degrees stronger soups and better diet, as soft-boiled eggs, &c.

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would dwell particularly on the necessity of keeping the patient in a recumbent position for at least seven or eight days, the perspiration freely flowing for three days, and a gentle sweating kept up for two more, or longer, as the case may require, and in no case to allow it to be suddenly checked, and to see that the urine is passed freely and that the bowels are open. On the seventh or eighth day, if the weather be favorable, open one of the southern doors or windows, and afterward, by degrees, the others, seeing that the patient is not in a draught. On the seventh, eighth, ninth, or tenth day, as the case may be, the patient, if otherwise doing well, is allowed to sit up. I usually visit him or her for a day or so longer, then dismiss the case. A tonic of quinine and iron is given after some of these cases, but the former is not prescribed at any other time, and calomel not at all.

It will be seen that my treatment is intended to combat the inflammation, reduce the fever, and cause the disease or poison to be eliminated by the skin and other emunctories. It is well known that it is by the skin principally that this is accomplished, and it is also well known that if a patient, while sweating, be exposed to a draught, congestion and delirium will ensue on the checking of the excretion; there will be suppression of urine, possibly also constipation, and death, either with or without black vomit. I will give an illustration of the effect produced on animals, in perfect health, by checking this elimination. It is to be found in "The American Journal of the Medical Sciences," (Hays,) for April, 1873, page 527:

7. *Suppression of perspiration.*—Socoloff gives an abstract of the results which follow varnishing the skin and suppression of the cutaneous secretion.

1. A few hours before the death of the animals so treated, clonic and tetanic spasms appear in various groups of muscles, while the temperature in the rectum sinks in a marked degree.

2. Enveloping the animals in wadding did not seem to raise the temperature or arrest the fatal result.

3. Respiration of oxygen proved ineffectual to resuscitate the animals.

4. In the stomach ulcers were observed, the result of deep extravasations.

5. Albumen appeared in the urine very soon after the skin was varnished.

6. In all cases a diffuse parenchymatous inflammation of the kidneys was observed, sometimes swelling of the cells, and sometimes fatty degeneration. This result was independent of the nature of the varnish used, whether turpentine varnish, or gelatin, or gum. Lang (Arch. d. Heilkunde, XIII, pp. 277-287, 1872) investigates the cause of death when the skin has been varnished. In addition to other phenomena, he found an hour or two after death "triple phosphate crystals" in various parts of the body, and some of the uriniferous tubules blocked with a finely granular dark mass. He thinks that the triple phosphate crystals are the result of decomposition of urea, and the cause of death is uræmia.

I ask if the above symptoms are not the same in yellow fever when the perspiration is checked, and if it is not followed by suppression of urine, and the patient does not die with all the symptoms of uræmic poisoning. I will also state that it is important to relieve the patient's mind of all anxiety; to assure him of the very probable favorable termination of the disease, which will result on strict adherence to directions, and to impress the same on his relatives and attendants. I almost invariably repeated the directions every time I called, and warned the parties that although they seemed trifling, they were, in reality, most important, and that everything depended on their strict observation. The doctor should sit down and talk to the sick person and his friends, and exhibit no alarm or concern, lest the patient become frightened. I usually tell them, "You are doing very well, and I shall almost certainly have you up in a week or eight days, if you will lie quietly and do what you are told." I, however, never trust them, but have always some one with them, a relative, if possible, as they are the best and most reliable nurses. Friends are too

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apt to consult their own comfort instead of the patient's welfare, and to open the doors and windows, and to indulge in all sorts of imprudent gossip, in stage whispers with each other, concerning the progress of the epidemic, the last case of black vomit, and the similarity of symptoms between some person who has just died and the one they are nursing. And if you remonstrate with them, they answer: "O, he can't be frightened. You don't know him, doctor." Then they are frequently officious, and as soon as your back is turned, if you have prescribed cold drinks, they substitute hot lemonade, because some other doctor, a friend of theirs, uses them, and perhaps throw open all the doors and windows, but when you return they are on the cold drinks again, and everything is fixed your way. It is important to trust, if possible, only one person in a room, as the depressing influence of a death in the same apartment is terrible. In hospital I remove very bad cases, cot and all, into a separate ward, for the above has allusion almost entirely to private practice. The cases in hospital are usually of a worse type, the surrounding circumstances tending to make them so. They are soldiers, sailors, and paupers, and commonly, though not always, drunkards, and come in in the second stage, with little or no history, or in a state of congestion and comatose. These are the cases that swell the hospital's mortality, as they are generally past all human aid. By having a number of small separate wards for yellow-fever patients, so that they can be treated singly, and by careful attention and cheering them up, I think many might be saved who are now lost. Good nursing is nearly if not half the battle, and that is why I have devoted so much space to *minutiæ*. The patient should never be told directly that he has yellow fever. I usually say, "Well, you have some fever; but if you follow directions all will go well," &c.; and on being asked by some if they had dengue, I replied, "Well, yes, it will pass for that," and then privately told the relatives or nurses to recollect that the patients had dengue just so long as they lay there and followed directions; but if they got up or committed any other imprudence, it would instantly become yellow fever, and *death* the probable result. This is usually effectual. I will now close this lengthy and crude account, most of which was hurriedly written within the last week.

Summary of yellow-fever epidemic of 1873, *showing the localities, dates of first and last death, number of cases, total and proportionate mortality.*

Locality.	Date of first death.	Date of last death.	Total number of cases.	Total mortality.	Mortality per cent. of cases.
New York, N. Y.	May 23	Oct. 30	69	18	26.1
New Orleans, La.	July 4	Nov. 18	2,000	226	11.3
Pensacola, Fla.	Aug. 3	Oct. 15	600	62	10.3
Memphis, Tenn.	Aug. 10	Nov. 9	10,000	2,000	20.0
Shreveport, La.	Aug. 12	Nov. 10	3,000	739	25.3
Mobile, Ala.	Aug. 21	Nov. 29	210	35	16.6
Montgomery, Ala.	Aug. 26	.....	43	17	39.5
Cairo, Ill.	Sept. 1	Sept. 25	10	5	50.0
Calvert, Tex.	Sept. 10	Dec. 29	500	102	20.4
Louisville, Ky.	Sept. 22	Oct. 15	450	125	27.7
Greenwood, La.	Oct. 3	Oct. 23	19	4	21.1
Total	.....	.....	16,901	3,353	.....
Average mortality, per cent. of all cases	.....	.....	.....	.....	19.8

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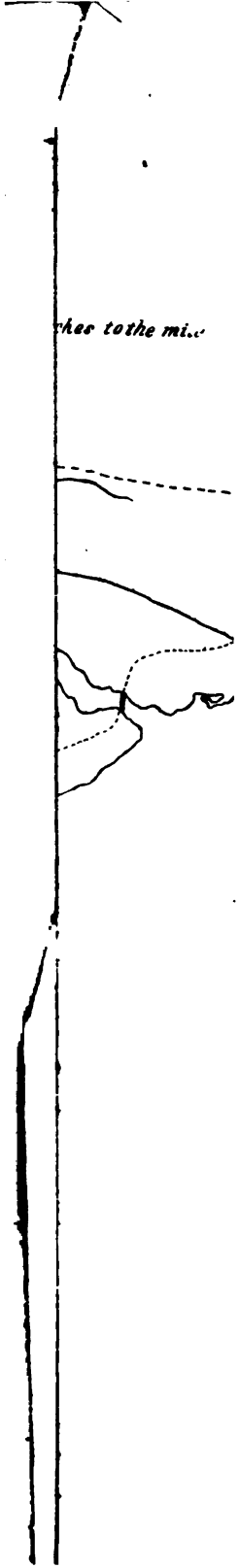

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In answer to a Senate resolution of March 15, 1875, *information in relation to the Black Hills country in the Sioux Indian reservation.*

MARCH 17, 1875.—Read and ordered to lie on the table and be printed.

To the Senate of the United States:

I have the honor to transmit herewith communications from the Secretaries of War and the Interior in answer to the resolution of the Senate of the 15th instant, requesting "any information in my possession in regard to the proposed emigration to the Black Hills country, in the Sioux Indian reservation; whether such emigration is with the consent of the Indian tribes holding said country under the treaty of February 24, 1869; and, if not, what measures will be taken in relation to the same."

U. S. GRANT.

EXECUTIVE MANSION, *March* 17, 1875.

WAR DEPARTMENT,
Washington City, March 17, 1875.

SIR: I have the honor to inclose copies of correspondence from the files of the Department relating to the proposed emigration to the Black Hills country, and the measures taken by the military authorities in the matter, prepared in compliance with Senate resolution of the 15th instant.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The PRESIDENT.

Copies of papers relating to proposed emigration to the Black Hills country, in the Sioux Indian reservation, and measures taken by the military authorities in the matter. Prepared in compliance with Senate resolution of March 15, 1875.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 17, 1875.

Official.

E. D. TOWNSEND,
Adjutant-General.

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[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., August 27, 1874.

Brig. Gen. A. H. TERRY,
Saint Paul, Minn.:

The Lieutenant-General commanding directs me to say that unofficial information has reached these headquarters of the organization of parties at Sioux City, Yankton, and Bismarck, to invade the Sioux Indian reservation, with the view of visiting the country known as the Black Hills.

Should such information be correct, you will please notify such parties that they will not be permitted to go, unless under authority from the honorable Secretary of the Interior, or Congress.

R. C. DRUM,
Assistant Adjutant-General.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., September 3, 1874.

Brig. Gen. ALFRED H. TERRY,
Saint Paul, Minn.:

Should the companies now organizing at Sioux City and Yankton trespass on the Sioux Indian reservation, you are hereby directed to use the force at your command to burn the wagon-trains, destroy the outfit, and arrest the leaders, confining them at the nearest military post in the Indian country. Should they succeed in reaching the interior, you are directed to send such force of cavalry in pursuit as will accomplish the purposes above named.

Should Congress open up the country for settlement, by extinguishing the treaty rights of the Indians, the undersigned will give a cordial support to the settlement of the Black Hills.

A duplicate of these instructions will be sent to General Ord, commanding Department of the Platte.

P. H. SHERIDAN,
Lieutenant-General.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., September 4, 1874.

Brig. Gen. A. H. TERRY,
Saint Paul, Minn.:

I will be glad if you will publish my instructions, or any you may have given yourself. The gold-fever was running so high here that I found it necessary to publish my instructions in the morning papers.

P. H. SHERIDAN,
Lieutenant-General.

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WAR DEPARTMENT,
Washington, September 15, 1874.

SIR: I have the honor, in the absence of the Secretary of War, to inclose for your information copy of the instructions given by General Sheridan to General Terry on the 3d instant, to prevent trespassing on the Sioux Indian reservation, (Black Hills country.)

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 16, 1874.

SIR: I have the honor to transmit herewith, for the information of the War Department, a copy of a communication addressed to Governor Pennington, of Dakota, upon the subject of granting permission to parties to prospect in the Black Hills country.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The Hon. SECRETARY OF WAR.

[Inclosure.]

DEPARTMENT OF THE INTERIOR,
Washington, September 8, 1874.

SIR: I acknowledge the receipt of your letter of the 27th ultimo, referring to associations that are forming for the invasion of that part of the Territory embracing the Black Hills, notwithstanding existing treaties with the Sioux Indians, and requesting such suggestions for the guidance and benefit of citizens of the Territory as may be considered appropriate by the Department, and in reply would say: by the second article of the treaty between the United States and different tribes of Sioux Indians, concluded April 29, 1868, (Statutes, vol. 15, p. 636,) "the United States agrees that the following district of county, to wit, viz: commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same; thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river; thence west across said river and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich; thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same; thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river, shall be, and the same is, set apart from the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such offi-

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cers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in the discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the Territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided."

The foregoing section prescribes who shall be allowed to enter this Territory so set apart for the Indians, and expressly states that none others shall be permitted to pass over, settle upon, or reside therein. The only power to alter this provision is that which made the treaty, and then it must be done with the consent of the Indians. What is known as the late "exploring expedition" of General Custer was merely a military reconnaissance of the country for the purpose of ascertaining the best location, if in the future it should become necessary to establish there a military post.

On the 22d of June last, in a letter to this Department, the honorable the Secretary of War wrote on this subject as follows:

"It is well known to the Department, that at various times the settlers in the adjacent country have contemplated explorations to the Black Hills, and the Department has uniformly discountenanced such movements; but it has now almost become a military necessity that accurate knowledge should be possessed by the Army as to this portion of our territory, and for that purpose only is the present expedition undertaken."

The question of opening up this country to settlement rests with Congress, and, until action has been taken by that body, this Department has no discretion in the matter, but is required and will endeavor to prevent any violation of the provisions of the treaty before mentioned.

For the reasons herein set forth, all applications for permission to visit the Black Hills country will be denied.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

GOV. J. L. PENNINGTON,
Yankton, Dakota.

[Indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 21, 1874.

Respectfully referred to the General of the Army.
By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

MILITARY STATION, LOWER BRULÉ AGENCY, DAK.,
September 16, 1874.

SIR: I have the honor to report that on the 9th instant I directed Lieutenant Dougherty, First Infantry, to proceed to Brulé City with a detachment of six mounted men to ascertain whether there were any parties organizing there for the purpose of invading the territory of the

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Sioux Indians in the direction of the Black Hills. On the 10th, Lieutenant Dougherty returned and reported that there were no men about the place except the permanent settlers, nor could he discover any indications of supplies or material necessary for use on an expedition.

About two weeks ago a party of four or five, under a man named Somers, did actually cross the river with a view of pioneering a route to the Black Hills, but the party did not go farther than the Sand Hill region, some ten or twelve miles; the party have recrossed the river. Should another attempt be made, information of the fact will be given immediately, and can from this point be easily intercepted.

Very respectfully, your obedient servant,

J. D. DE RUSSY,
Captain First Infantry, Commanding.

The ACTING ASSISTANT ADJUTANT-GENERAL,
Southern District, Department of Dakota.

[Indorsement.]

HEADQUARTERS SOUTHERN DISTRICT,
DEPARTMENT OF DAKOTA,
Fort Randall, Dak., September 23, 1874.

Respectfully forwarded to headquarters Department of Dakota. The party referred to by Captain De Russy proceeded farther than he thought; but I think, however, that this route is entirely closed to any unauthorized trip to the Black Hills country, as the Lower Brulé Indians are watching it with great vigilance. The other route, leading along the Niobrara River, does not seem to have been attempted, and I think Lieutenant-General Sheridan's order has effectually checked inroads into the Sioux Indian reservation for the present. Parties of whites and half-breeds who reside at the Spotted-Tail agency, about sixty-five miles from Harney's Rock, report to me that for many years past they have been in the habit of visiting the Black Hills country for the purpose of hunting, and they have never yet been able to ascertain that any paying dirt or quartz, either gold or silver, exist in that country. Many of these men are practical miners. Some of them have visited the Harney Peak country since Lieutenant-Colonel Custer was there last month. These men also report that the Black Hills country is too cold for agricultural purposes, and only fitted for hunting and grazing. It is well wooded and the water is also good.

PINKNEY LUGENBEEL,
Lieut.-Colonel First Infantry, Commanding Southern District.

WAR DEPARTMENT,
Washington City, October 13, 1874.

SIR: I have the honor, in the absence of the Secretary of War, to transmit, for your information, copy of report of J. D. De Russy, commanding Lower Brulé agency, Dak., dated September 16, relative to investigation of rumored attempts to organize expedition to the Black Hills.

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk.

The Hon. SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 23, 1874.

SIR: I have the honor to transmit herewith, for your information and consideration, a copy of a letter from the Commissioner of Indian Affairs, dated the 20th instant, and inclosure therein noted, letter of Agent Bingham, dated 31st ultimo, to the effect that about sixty white men, miners, are working on the reservation of the Indians, in the Black Hills, and, unless they are driven off by the Government, the Indians will make war upon them.

I have the honor to request that the War Department instruct the proper military officers to remove any persons who may be found thus trespassing, in order that trouble with the Indians may be avoided.

I have the honor to be your obedient servant,

C. DELANO,
Secretary.

The Hon. SECRETARY OF WAR.

[Inclosures.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., November 20, 1874.

SIR: I have the honor to transmit, herewith inclosed, a copy of a letter dated the 31st ultimo, from H. H. Bingham, United States Indian agent at Cheyenne, Dak., stating that about sixty white men (miners) are working on the reservation of the Indians in the Black Hills, and unless they are driven off by the Government the Indians will make war upon them.

This statement of the agent is based on an Indian rumor, and is forwarded for your information, with the suggestion that, if deemed of sufficient importance, the same be forwarded for the information and action of the War Department.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

CHEYENNE RIVER INDIAN AGENCY, DAK.,
Cheyenne Agency, Dak., October 31, 1874.

SIR: I am advised by the Indians that there are about sixty white men in the Black Hills, on their reservation, working the ground.

The Indians do not want to make war upon those white people, and request that white soldiers be sent out to drive the miners out of their country. Unless the Government take some measures to get these people out of the country, the Indians will certainly make war upon them. Please advise me of your views in this matter, that I may be able to keep the Indians quiet.

Very respectfully, your obedient servant,

H. W. BINGHAM,
United States Indian Agent.

Hon. EDWARD P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

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[First indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE.
Washington, November 28, 1874.

Official copy respectfully referred to the General of the Army for proper action.

Herewith is also copy of telegram on this subject from Lieutenant-General Sheridan.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

[Inclosure.]

[Telegram dated Chicago, Ill., November 27, 1874.—Received 12.40 p. m., November 27.]

To Brig. Gen. E. D. TOWNSEND,
Washington, D. C.:

I wish to relieve the honorable Secretary of War from any apprehension coming from the false statement going the rounds of some of the eastern papers, reporting miners at work in the Black Hills. The article is a falsehood. There are no parties in the Black Hills. It is possible the report may have originated from the recent discovery of gold forty miles north of Laramie City, on the Union Pacific Railroad, where many miners have gone. This place is at least two hundred miles southwest of the Black Hills.

P. H. SHERIDAN,
Lieutenant-General.

[Second indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, November 20, 1874.

Respectfully sent to General Sheridan. I have no orders to make in the premises. Even if there be trespassers in the district known as the Black Hills, I would not order troops there at this season of the year.

W. T. SHERMAN,
General.

[Third indorsement.]

HEADQUARTERS MILITARY DIVISION, MISSOURI,
Chicago, December 2, 1874.

Respectfully returned to the Headquarters of the Army.

The statement made to Agent Bingham, that miners have gone on the Indian reservation, is not true.

It would be well to inform the Interior Department and the War Department that the miners referred to are known to be in what is called the Black Hills of the Laramie, south of Laramie Peak, and are not in the Indian country, but at least two hundred miles south of the Black Hills of the Cheyenne, where Lieutenant-Colonel Custer made his reconnaissance last summer.

The whole of that country is designated by the Indians as the Black Hills, and the agents are not unfrequently ignorant of the country in which they are living or over which they have supervision.

P. H. SHERIDAN,
Lieutenant-General Commanding.

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WAR DEPARTMENT,
Washington City, December 10, 1874.

SIR: I have the honor to state that copies of your letter of the 23d ultimo, and of its inclosures, communications from the Commissioner of Indian Affairs, and Indian Agent Bingham, reporting the existence of miners on the Indian reservation in the Black Hills, were referred to the General of the Army, and by him to General Sheridan, indorsed to the effect that, even if these trespassers did exist in the district known as the Black Hills, he would not order troops there at this season of the year. General Sheridan, however, denies the statement made to Agent Bingham, and says the miners referred to are known to be in what is called the Black Hills of the Laramie, south of Laramie Peak, and are not in the Indian country, but at least two hundred miles south of the Black Hills of the Cheyenne, where Lieutenant-Colonel Custer made his reconnaissance last summer.

The whole of that country is designated by the Indians as the "Black Hills," "and the agents are not unfrequently ignorant of the country over which they have supervision."

Very respectfully, your obedient servant,
WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

HEADQUARTERS POST ON NORTH LOUP, NEBR.,
November 24, 1874.

SIR: I have the honor to report my return to this post on Saturday, the 21st instant.

During the trip I saw nothing of the party mentioned in your telegram of the 31st ultimo. In my opinion, the lateness of the season will prevent any expedition from going to the Black Hills by way of the Niobrara River. No body of men had passed up at the time I left; and Wentworth is now of the opinion that the party reported by him had gone into camp to winter somewhere on the Niobrara River between Long Pine Creek and Yankton.

I will send a report of my trip by next mail.

Men and animals returned in good condition.

I am, sir, very respectfully, your obedient servant,
S. MUNSON,
Captain Ninth Infantry, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Department of the Platte, Omaha, Nebr.

WAR DEPARTMENT,
Washington City, December 10, 1874.

SIR: I have the honor to inclose, for your information, copy of letter of 28th ultimo, from the commanding officer, post on North Loup, relative to parties supposed to have gone to the Black Hills via the Niobrara River.

Very respectfully, your obedient servant,
WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

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[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Saint Louis, Mo., December 24, 1874.

General E. D. TOWNSEND,
Washington, D. C.:

General Sheridan telegraphs that a small party of twenty-one miners stole in from the Missouri River into the Black Hills. They were followed by Captain Tollman, First Infantry, with a small party, but were not overtaken.

General Ord will send a company from Spotted Tail's agency to overhaul them, under the provisions of telegraphic instructions of September 3 from division headquarters.

WM. D. WHIPPLE,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, December 28, 1874.

SIR: I have the honor to transmit, for your information, copy of telegram from headquarters of the Army, dated the 24th instant, stating that a party of miners had invaded the Black Hills, and that General Sheridan had given instructions to overhaul them.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

Transcript of 5,505, *Adjutant-General's Office*, 1874.

WASHINGTON, *December* 23, 1874.

The Interior Department submits copy of report from Commissioner of Indian Affairs, and copy of telegram and letter from Agent H. W. Bingham, of Cheyenne River agency, relative to intrusion of white men into the Black Hills country, and requests that measures be adopted by War Department toward all persons to effect their expulsion from said territory.

Referred to the General of the Army December 31, 1874.

CAMP SHERIDAN, NEBR.,
December 27, 1874.

SIR: I have the honor to report my arrival at this post *en route* to the Black Hills, for the purpose of following the trail and expelling a party of miners. Shall leave my company in the morning with a guide, interpreter, and an Indian. The impression of the guide is that the party, after reaching Elk Creek, have followed Custer's trail to the north and west of hills. If the snow does not prevent can follow. The weather so far pleasant; the only difficulty is watering animals, holes

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having to be cut in the ice for that purpose. Have thirty days' rations, and will draw five days' more, the most I can carry.

I am, sir, very respectfully, your obedient servant,

GUY V. HENRY,
Captain Third Cavalry.

ASSISTANT ADJUTANT-GENERAL,
Department of the Platte, Omaha, Nebr.

WAR DEPARTMENT,
Washington City, January 19, 1875.

SIR: I have the honor to transmit, for your information, copy of report of the arrival at Camp Sheridan, Nebr., of Capt. Guy V. Henry, Third Cavalry, *en route* to the Black Hills, with the object to expel miners, &c.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Telegram, dated Saint Louis, Mo., January 12, 1875; received January 13.]

Gen. E. D. TOWNSEND,
Adjutant-General, Washington, D. C.:

Colonel Bradley telegraphs General Ord, this date, from Fort Laramie, that he has report there through a half-breed that Captain Henry has returned to Sheridan, himself and men badly frozen. No official information. Such reports are doubtful, but this may be true; it has been forty-five below zero within a week, and twenty-seven below this morning; too cold for men to be on the road.

WM. D. WHIPPLE,
Assistant Adjutant-General.

HEADQUARTERS ARMY OF THE UNITED STATES,
Saint Louis, Mo., January 11, 1875.

ADJUTANT-GENERAL U. S. A.,
Washington, D. C.:

The following dispatch just received from General E. O. C. Ord:

Colonel Bradley telegraphs from Fort Laramie, January 8, all quiet at agencies. Twenty-seven degrees below zero. Lieutenant Winters telegraphs from Fort Laramie, January 10, that he has been driven in by severity of the weather, after getting as far as old Red Cloud's agency; that snow is drifted very badly, and thermometer ranging from twenty to forty below zero in the day-time. I think it probable that Captain Henry's company, now in pursuit of miners in the Black Hills, will suffer severely from the weather, and will lose a number of horses. I request that any directions given during the winter to move troops into the Black Hills may be made conditional on the state of the weather; such movements, up to April next, being extremely hazardous.

E. O. C. ORD,
Brigadier-General.

WM. D. WHIPPLE,
Assistant Adjutant-General.

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[Telegram dated Saint Louis, Mo., January 16, 1875. Received at 2.10 p. m., January 16, 1875.]

General E. D. TOWNSEND,
Washington:

General Ord telegraphed yesterday that Captain Henry and three men, Company D, Third Cavalry, badly frosted, reached Camp Robinson on the evening of January 8; Lieutenant Carpenter and remainder of command, thirty cavalry and twelve infantry-men, reached there next day. The company experienced great suffering during whole trip, going and returning. Mercury at one time forty degrees below zero. No trace of miners could be discovered. Dispatch from commanding officer, Camp Robinson, covering this information by mail.

WM. D. WHIPPLE,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, January 19, 1875.

SIR: I have the honor to transmit, for your information, copy of telegram from Army headquarters, giving an account of the return to Camp Robinson of Captain Henry and his command, having discovered no trace of miners.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Saint Louis, Mo., January 9, 1875.

General E. D. TOWNSEND,
Washington, D. C.:

I herewith report the following dispatch, with General Sherman's request that it be laid before the Secretary of War:

OMAHA, NEBR., *January* 9, 1875.

Red Cloud and Spotted Tail have sent word to Colonel Bradley that they desire to visit Washington with some young and influential Ogallala and Brulé chiefs to negotiate sale of Black Hills country, if possible. Red Cloud states he sends to Bradley, as he thinks his agent unfriendly, and fears he cannot get hearing through him.

The chiefs state they don't want an escort to Washington, but prefer to go with two or three white men on whose friendship and aid they can rely. Bradley thinks Red Cloud and Spotted Tail are exerting their influence for best advantage of their tribes, and in interest of peace. I earnestly recommend that these and other principal chiefs be permitted to go to Washington. Unless something be done for them we shall be almost certain, between the gold-hunters and dissatisfied Indians, to have serious difficulties in that country in the coming spring.

E. O. C. ORD,
Brigadier-General.

WM. D. WHIPPLE,
Assistant Adjutant-General.

[Copy made and sent to the honorable Secretary of War, for Interior Department, January 11, 1875.]

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DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 28, 1875.

SIR: On the 12th instant I had the honor to receive a letter from the War Department, dated the 11th, inclosing copy of a telegram from General Ord recommending favorable consideration of the request of Red Cloud and Spotted Tail for permission to visit Washington.

I transmit herewith a copy of a letter, dated the 27th instant, from the Commissioner of Indian Affairs, to whom the subject was referred, who reports that there are no funds at the disposal of the Department that can be applied to the payment of the expenses incident to the visit of a delegation of the Sioux to this city.

It is the intention of this Department to make application to Congress at the present session for an appropriation to meet the expenses of such a delegation, the importance of which, in view of the present situation of Indian affairs in connection with the Sioux, is fully appreciated.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The Hon. SECRETARY OF WAR.

[Inclosure.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 27, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a communication from the honorable Secretary of War dated January 11, 1875, inclosing copy of a telegram from General Ord, repeated from headquarters of the Army, recommending the favorable consideration of the request of Red Cloud and Spotted Tail for permission to visit Washington.

In reply I would respectfully report that this Office fully appreciates the importance of having Red Cloud and Spotted Tail, with some young and influential Ogallala and Brulé chiefs, visit this city with a view to procure on the part of the Sioux a better understanding of the wishes of the Government respecting them, and if possible an appreciation of the important changes in their tribal condition which are inevitable at no very distant date; but there are no funds at the disposal of this Office which can be used to defray the expenses of such a visit, and, therefore, their request will have to be denied.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

[Copy furnished commanding general Department of the Platte through headquarters of the Army, February 4, 1875.]

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HEADQUARTERS OF THE PLATTE,
Omaha, Nebr., January 13, 1875.

SIR: Previous to the removal of the Pawnees from the reserve near the mouth of Loup Fork, Nebraska, the Sioux from Red Cloud and Spotted Tail were in the habit of making frequent raids upon the Pawnees, and the Pawnees were in the habit of pursuing or retaliating, so that the North Loup and Calamus Rivers had become a sort of war-path, both parties occasionally plundering or killing white settlers, and thus making the post of Fort Hartsuff on the North Loup necessary for the protection of settlements on the several Loup and Calamus Rivers; but the Pawnees having moved into the Indian Territory, it is presumed cavalry will not be needed at all at Fort Hartsuff, and the infantry now there can be removed within a year, so that, in view of the immediate necessity of troops occupying the Black Hills at some point north of Fort Laramie, to keep miners and others from encroaching upon the Sioux Indian reserve, and the fact that only about $25,000 will be needed (of the appropriation of $50,000) for the completion of a single infantry post at Fort Hartsuff, I recommend that Congress be asked to appropriate the remaining $25,000, unexpended of the $50,000, for Fort Hartsuff, with $115,000 in addition, to build an eight-company post on the western border of the Black Hills, at such point as the division commander may designate.

It is very important that prompt action should be taken in this matter, as the troops will be needed in the Black Hills as soon as spring opens, and the need will continue as long as the Black Hills are in Indian country, so that the troops, to keep this country free from intruders, must winter there, which they cannot do under canvass, for the reports show that the temperature ranges from 25° to 45° below zero during cold weather.

I am, sir, very respectfully, your obedient servant,

E. O. C. ORD,
Brigadier-General.

Col. R. C. DRUM,
Assistant Adjutant-General United States Army,
Headquarters Military Division of the Missouri, Chicago, Ill.

[First indorsement.]

HEADQUARTERS, &c.,
New Orleans, La., January 20, 1875.

Respectfully forwarded through Army headquarters to the Secretary of War. We have so much work on hand, and so many things engaging our attention at present, that I think it would be best to postpone any action looking to the establishment of a post in the Black Hills to another year.

P. H. SHERIDAN,
Lieutenant-General.

[Second indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, January 25, 1875.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN,
General.

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[Third indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 30, 1875.

Respectfully submitted to the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

[Fourth indorsement.]

Seen by the Secretary of War, February 3, 1875, and concurred in.

H. T. CROSBY,
Chief Clerk.

[Telegram.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 16, 1875.

General W. T. SHERMAN,
Commanding United States Army Saint Louis, Mo.:

The President requests you to make public the following:

All expeditions into that portion of the Indian Territory known as the Black Hills country must be prevented as long as the present treaty exists. Efforts are now being made to arrange for the extinguishment of the Indian title, and all proper means will be used to accomplish that end. If, however, the steps which are to be taken toward the opening of the country to settlement fail, those persons at present within that Territory without authority must be expelled.

Please acknowledge receipt.

E. D. TOWNSEND,
Adjutant-General.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 17, 1875.

SIR: On the 16th instant I had the honor to receive, by reference from the President, a reoslution of the Senate dated the 15th instant, in the following words, viz:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with public interests, any information in his possession in regard to the proposed emigration to the Black Hills country, in the Sioux Indian reservation; whether such emigration is with the consent of the Indian tribes holding said country under the treaty of February 24, 1869; and, if not, what measures will be taken in relation to the same.

The sixteenth article of the treaty between the United States and different tribes of Sioux Indians, concluded April 29, 1868, and proclaimed February 24, 1869, provides as follows:

The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or, without the consent of the Indians, first had and obtained, to pass through the same; and it is further agreed by the United States, that within ninety days after

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the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the Territory in this article named shall be abandoned and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

The country thus referred to includes the Black Hills.

As to the proposed emigration to that portion of the Sioux reservation named in the resolution, this Department is in possession of no information except that derived from the public prints, which contain certain reports to the effect that one expedition has succeeded in reaching the Black Hills.

The persons composing said expedition have gone upon the Sioux reservation in violation of the provisions of the treaty, and are in the country referred to against the wishes and without the consent of the Indians.

Statements published in the newspapers indicate a determination on the part of many persons throughout the country to explore the Black Hills in search of minerals.

Measures have been adopted by the Secretary of War, with the concurrence of this Department, to prevent further intrusion upon the reservation in question, and looking to the removal of the persons now unlawfully there.

A military order has been issued to the General of the Army, by the honorable the Secretary of War, to prevent any future expedition into that portion of the Indian Territory known as the Black Hills country as long as the present treaty exists, and advising that efforts are being made to arrange for the extinguishment of the Indian title, and that all proper means will be used to accomplish that end; and that if the steps taken toward the opening of the country to settlement fail, those persons at present within that Territory without authority must be expelled.

This Department has taken steps to bring to this city a delegation of the Sioux (parties to the treaty) for the purpose of negotiating for the extinguishment of their right to the reservation embracing the Black Hills country, with a view to opening up the same to settlement, and until such an arrangement has been effected it is the intention of this Department, with the co-operation of the War Department, to protect the rights of the Indians as guaranteed to them by the treaty of 1868, and to prevent any further infraction of those rights.

It is also the intention of this Department to use every effort possible to extinguish the Indian title to the Black Hills country, and open the same to settlement and explorations for mineral wealth at the earliest day practicable.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The PRESIDENT.

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